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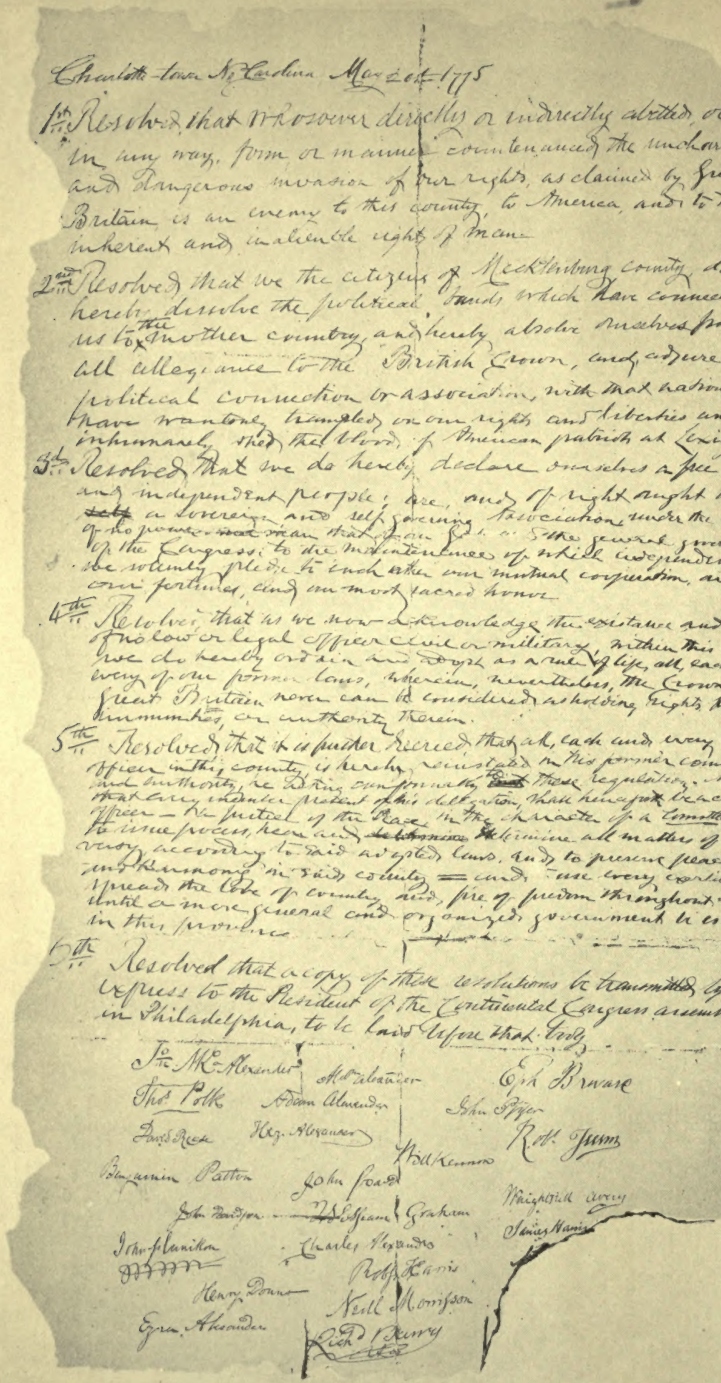

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OF THE 117TH ANNIVERSARY, CELEBRATED AT CHARLOTTE, N. C., MAY 18, 19, 20, 1892.

A fraudulent facsimile lithograph of the alleged original Declaration.

33812

The Mecklenburg Declaration of Independence

A Study of Evidence Showing that the Alleged Early Declaration of Independence by Mecklenburg County, North Carolina, on May 20th, 1775, is Spurious

By

William Henry Hoyt, A. M.

G. P. PUTNAM'S SONS
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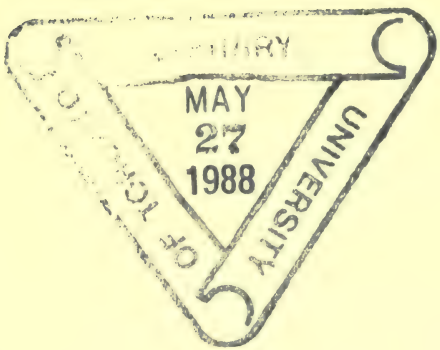

PREFACE

Since it was first brought to the attention of the general public in the year 1819, the declaration of independence which is alleged to have been issued on May 20, 1775, by a convention held in Charlotte, Mecklenburg County, North Carolina, has been the subject of the most mooted question and acrimonious controversy of the history of the American Revolution. Evidences dating from 1775 and onward of a document of this nature, copies of doubtful origin of the document in question, a copy written from memory in 1800, testimony of reliable persons who stated between 1819 and 1830 that they had been spectators and participants at a meeting which adopted it, and traditions are cited to prove the genuineness and authenticity of the Mecklenburg Declaration of Independence. In 1830, after the publication of the trenchant letter of Thomas Jefferson expressing his belief that the paper was a fabrication, the Legislature of North Carolina took up the matter, and affirmed the Mecklenburg Declaration to be genuine and authentic. To-day, in North Carolina, it is engrafted upon the statute books, the date it bears is emblazoned upon the great seal of the State, and the anniversary of its

alleged promulgation is observed by legislative enactment. The consensus of opinion of critical students of American history is opposed to its authenticity; but from the beginning of the controversy there have been two hostile camps, each fortified by what are regarded as unanswerable arguments. If this verdict be reversed, we must conclude, contrary to long-accepted views, and with the older British historians, that before May, 1775, there was a conscious movement in the colonies having independence as its aim, and we must admit that some of the most striking expressions of Jefferson's immortal document of thirteen months later were borrowed from the Mecklenburg manifesto. Herein lies the chief historical importance of the question.

Because of the absence of new evidence of importance there has been comparatively little discussion of the perplexing problem since the centennial celebration of the Mecklenburg Declaration at Charlotte in 1875. Renewed interest was awakened by the publication in July, 1905, of a facsimile of the disputed document as it appeared in what purported to be a long-lost copy of the *Cape-Fear Mercury*, a colonial newspaper in which it is said to have been printed. The paper was soon shown to be a forgery by the advocates as well as by the opponents of the authenticity of the Mecklenburg Declaration. Interest has been accentuated and general acceptance of the declaration rendered seemingly imminent by Dr. George W. Graham's elaborate presentation of the arguments for its authenticity

and by new light of much significance which late researches by those who uphold the claims of Mecklenburg have brought to bear upon the subject.

The purpose of this monograph is to show that all the evidence, new and old, which is cited in support of the genuineness and authenticity of the Mecklenburg Declaration, should be understood as relating to a series of resolves of similar import, which were adopted in Mecklenburg County May 31, 1775, and that the several versions of the supposititious paper of May 20, 1775, trace their origin to rough notes written from memory in 1800 by John McKnitt Alexander, who believed those resolves to be a declaration of independence and attempted to set forth their substance. In preparing the work I have gone to original sources of information wherever it has been possible. Hitherto inaccessible manuscripts are adduced to demonstrate the origin of the famous resolutions of May 20, 1775, and the successive stages of their construction.

Unfortunately for the cause of historic truth, the enthusiasm of local pride and patriotism in North Carolina, where the Mecklenburg Declaration, vouched for, as it is, by the personal testimony of North Carolina patriots of the Revolution, has been regarded with peculiar veneration for close upon a hundred years; the charges of plagiarism against Thomas Jefferson and of forgery against John McKnitt Alexander; the disappearance of the *Cape-Fear Mercury* from the British State Paper Office in 1837 under circumstances which would seem

to indicate that Jefferson's defenders destroyed evidence of the Mecklenburg Declaration; and, finally, the fact that the reputed signers of this declaration were all, or nearly all, members of one religious denomination, have each added fuel to the fires of controversy and contributed to produce an intolerant spirit which has been a bane to sober discussion. As it was in 1853 and in 1873, when Charles Phillips and Daniel R. Goodloe were the first North Carolinians since an unknown gladiator of 1830 who ventured to dispute the authenticity of the paper of May 20, 1775, it is inevitable to-day that a publication which discredits the proudest page in the history of North Carolina should engender in some quarters an unkindly feeling for its author. In discharging my ungrateful office, I write simply as a student of history, inspired with a special love for the history of the "Old North State," and with a profound veneration for the Mecklenburg patriots of 1775. I came to my subject before Dr. George W. Graham's book was announced with the intention of writing a defence of the authenticity of the Mecklenburg Declaration, but the irresistible logic of facts drove me to my present position.

For the first incentive to undertake this work and for advice and encouragement during its preparation, I am under an obligation to Prof. Samuel F. Emerson, of the University of Vermont, which it is a pleasure to acknowledge here. Some of the materials which I have used were unearthed by Mr. A. S. Salley, Jr., Secretary of the Historical Commission

of South Carolina, and published during the past year in a series of articles contributed by him to the Charleston *News and Courier*. For courtesies extended to me while collecting materials my acknowledgments are due to Messrs. B. F. Stevens and Brown, of London, the Earl of Dartmouth, Dr. William C. Lane, Librarian of Harvard University, Dr. Kemp P. Battle, of the University of North Carolina, Dr. Reuben G. Thwaites, of the State Historical Society of Wisconsin, Dr. Stephen B. Weeks, of San Carlos, Arizona, Mr. Edward P. Moses, of Raleigh, N. C., Mr. Waldo G. Leland, of the Carnegie Institution, Mr. Victor H. Paltsitts, of the New York Public Library, and Mrs. C. S. Coles, of Washington, D. C. I have also to thank Mr. Salley for reading the proofs of the book and for many valuable suggestions.

W. H. H.

BURLINGTON, VT.,
September 2, 1906.

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The Mecklenburg Declaration of Independence

CHAPTER I

HISTORY OF THE CONTROVERSY

THE publication of William Wirt's *Life of Patrick Henry* in 1817, in which Wirt claimed that Patrick Henry "gave the first impulse to the ball of the Revolution," was followed by a discussion as to whether the earliest movements that led to American independence took place in Virginia or in Massachusetts. During the winter of 1818–19, when the subject was a topic of conversation at Washington among members of Congress, the assertion was there made that the people of Mecklenburg county, in North Carolina, formally declared themselves independent of Great Britain before the 4th of July, 1776.[1] The statement was

[1] C. Tait to Gen. P. Jack, January 25, 1819, in *The Address of the Hon. Wm. A. Graham on the Mecklenburg Declaration of Independence*, delivered at Charlotte, February 4, 1875 (cited hereafter as *Gov. Graham's Address*), 113–114; and correspondence of John Adams (*Works*, x.) and of Thomas Jefferson (*Writings*, Ford ed., x.) during the year 1818.

apparently received with incredulity. For satisfactory information relative to the matter two of the North Carolina members, Senator Nathaniel Macon and William Davidson, the representative from the Mecklenburg district, wrote to persons in that section of the country. Davidson, who had probably brought forward the claim for Mecklenburg, applied to Dr. Joseph McKnitt Alexander, and received from him a full account of the disputed event, which he said he had copied from papers left by his father, John McKnitt Alexander. Macon directed his inquiry to General Joseph Graham, who forwarded the letter to Dr. Alexander's brother, William B. Alexander, with a request that he furnish Macon with all information that his father's papers could supply. William B. Alexander wrote Macon on February 7, 1819, that his brother had furnished William Davidson with all that could be found. "Nearly all of my father's papers," he said, "were burned in the spring of 1800, which destroyed the papers now wanted, as I believe he acted as secretary to the committee that declared independence for this county in 1775."

Macon endeavored to procure information to verify statements in the document received by Davidson, which had been placed in his hands a month or more before William B. Alexander's letter reached him, but was unsuccessful. He appears not to have doubted its trustworthiness, however, and he sent it with an old proclamation that William B. Alexander had found among his

father's papers to the editor of the *Raleigh Register and North Carolina Gazette*, published in Raleigh, North Carolina.[1] It appears in the issue of Friday, April 30, 1819 (Vol. xx., No. 1023), as follows:[2]

DECLARATION OF INDEPENDENCE.

It is not probably known to many of our readers, that the citizens of Mecklenburg County, in this State made a Declaration of Independence more than a year before Congress made theirs. The following Document on the subject has lately come to the hands of the Editor from unquestionable authority, and is published that it may go down to posterity.

NORTH-CAROLINA, *Mecklenburg County*,
May 20, 1775

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandisement, and scorning to shelter themselves from the impending storm by submission to lawless power, &c. &c. held several detached meetings, in each of which the individual sentiments were "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the impositions which an unprincipled, and to them an unrepresented parliament might impose—or support their brethren who were doomed to sustain the first shock

[1] *Raleigh Register* editorial, August 6, 1819 (reprinted in Niles: *Principles and Acts of the Revolution*, 135–136); and C. Tait to P. Jack, in *Gov. Graham's Address*, 113–114.

[2] From the file in the Library of Congress. A proclamation of Gov. Martin of North Carolina, dated Charlotte-Town, October 3, 1780, was printed in the same issue, "as a curiosity." A copy of the original MS., sent by Dr. J. McKnitt Alexander to Wm. Davidson, made by Col. Wm. Polk in 1819, and now in the New York Public Library, will be found in the Appendix.

of that power, which, if successful there, would ultimately overwhelm all in the common calamity. Conformably to these principles, Col. Adam Alexander, through solicitation, issued an order to each Captain's Company in the county of Mecklenburg, (then comprising the present county of Cabarrus) directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, & to secure unimpaired their inalienable rights, privileges and liberties from the dominant grasp of British imposition and tyranny.

In conforming to said Order, on the 19th of May, 1775, the said delegation met in Charlotte, vested with unlimited powers ; at which time official news, by express, arrived of the Battle of Lexington on that day of the preceding month. Every delegate felt the value & importance of the prize, & the awful & solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy and insatiable revenge developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues—or resolves ; that popular vapor will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result ; and then let us act with energy as brethren leagued to preserve our property —our lives,—and what is still more endearing, the liberties of America. *Abraham Alexander* was then elected Chairman, and *John M'Knitt Alexander*, Clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously Ordained—

1. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner countenanced the unchartered and dangerous invasion of our rights, as claimed by Great-Britain, is an enemy to this Country,—to America,—and to the inherant and inalienable rights of man.

2. *Resolved*, That we the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from

all allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, We do hereby ordain and adopt, as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the Crown of Great-Britain never can be considered as holding rights, privileges, immunities or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this county is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a "*Committee man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony in said County,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of bye-laws were also added, merely to protect the association from confusion and to regulate their general conduct as citizens. After sitting in the Courthouse all night, neither sleepy, hungry, or fatigued, and after discussing every paragraph, they were all passed, sanctioned and declared *unanimously*, about 2 o'clock, A. M. May 20. In a few days a deputation of said delegation convened, when Capt. *James Jack* of Charlotte was deputed as express to the Congress at

Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three Representatives there, viz: *Richard Caswell*, *Wm. Hooper* and *Joseph Hughes* —under express injunction, personally, and through the state representation, to use all possible means to have said proceedings sanctioned and approved by the General Congress. On the return of Capt. Jack, the delegation learned that their proceedings were individually approved by the members of Congress, but that it was deemed premature to lay them before the House. A joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern and Wilmington alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this County, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Col. James Harris's and at Col. Phifer's alternately one week at each place. It was a civil Court founded on military process. Before this judicature all suspicious persons were made to appear, who were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the County. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties—

[The foregoing is a true copy of the papers on the above subject, left in my hands by John M'Knitt Alexander, dec'd; I find it mentioned on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of

North-Carolina, and that a copy was sent to Gen. W. R. Davie. J. M'KNITT.][1]

This article was extensively copied by the newspapers of the country,[2] and came to the notice of the venerable John Adams in the *Essex Register* of June 5, 1819, published in Salem, Massachusetts. Adams sent a copy of the newspaper to Thomas Jefferson as containing "one of the greatest curiositys and one of the deepest Mysterys" that ever occurred to him.[3] He wrote thus of it:

How is it possible that this paper should have been concealed from me to this day? had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every Whig newspaper upon this Continent. you know if I had possessed it, I would have made the Hall of Congress Echo and re-echo with it fifteen mongths before your Declaration of Independence.—What a poor, ignorant, malicious, short-sighted, Crapulous Mass is Tom Pain's Common Sense, in comparison with this paper. had I known it, I would have commented upon it from the day you entered Congress till the fourth of July, 1776.—The genuine sense of America at that moment was never so well expressed before, nor since.

Adams evidently dictated this letter *currente calamo*. A little reflection would have told him that the "genuine sense of America at that moment"

[1] Dr. Joseph McKnitt Alexander usually omitted his surname in his signature because of the commonness of the name Alexander in Mecklenburg, and was frequently spoken of and addressed as "J. McKnitt."—*Gov. Graham's Address*, 29–30. The writer has seen several of his private letters, all bearing this signature.

[2] *Raleigh Register*, August 6, 1819.

[3] June 22, 1819. From the original letter, written by an amanuensis and signed by Adams, in the Jefferson MSS. in the Library of Congress. It is printed in the *Works* of Adams, x., 380–381.

was opposed to independence. Even he and Jefferson still desired reconciliation with Great Britain in May, 1775, and few men then dared to openly advocate independence. Mindful of their former bitter political rivalry, which had given way, in the evening of life, to the friendship of earlier days, he probably wrote with some satisfaction in the thought that his successful rival would wince under his lavish praises of the new-found declaration of independence and the implied charge of plagiarism which they conveyed; for Adams was convinced that either the Mecklenburg Declaration or Jefferson's Declaration borrowed one from the other. Before he received Jefferson's reply, Adams wrote one of his correspondents:[1]

> I was struck with so much astonishment on reading this document that I could not help inclosing it immediately to Mr. Jefferson, who must have seen it, in the time of it, for he has copied the spirit, the sense, and the expressions of it *verbatim* into his Declaration of the 4th of July, 1776. . . . That paper must be more universally made known to the present and future generation.

Unlike Adams, Jefferson was not ready to accept the paper of Mecklenburg. He was doubtless as much annoyed as Adams anticipated. "And you seem to think it genuine," he wrote Adams.[2] "I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina,

[1] Adams to William Bentley, July, 15, 1819, *Works*, x., 381.

[2] Jefferson to Adams, July 9, 1819, *Writings* (Ford ed.), x., 136–139. This letter forms a part of the "State Pamphlet", reprinted in the Appendix.

some half a dozen years ago, . . ." It is not remarkable that his inability to find any notice of the publication of the resolutions by the *Raleigh Register*, after a lapse of two months, in Thomas Ritchie's newspaper at Richmond and in the *National Intelligencer* of Washington, the leading journal of the country and edited by a son of the editor of the *Raleigh Register*, should have led Jefferson to express his doubt whether they were really copied from that paper by the *Essex Register*, and to deem them to be one of the hoaxes frequently published in the newspapers of the day—the work, perhaps, of the "Essex Junto" class of statesmen, ever ready to traduce his reputation. But the tone of Adams's letter seems to have so disturbed his equanimity that in attempting to point out the marks of spuriousness he mistook the name of Richard Caswell, who had been dead many years, for that of William R. Davie, then living, as the person mentioned in the certificate accompanying the resolutions to whom John McKnitt Alexander had given a copy of them; and, confounding the "delegation" of Mecklenburg county, to whose continued "exertion in the cause of liberty and independence" the paper referred, with the North Carolina delegates in the Continental Congress, who were said to have approved the resolutions, he rashly said that "we had not a greater tory in Congress than Hooper; that Hughes was very wavering, sometimes firm, sometimes feeble, according as the day was clear or cloudy; that Caswell, indeed, was a good whig, and kept these

gentlemen to the notch, while he was present; but that he left us soon, and their line of conduct became uncertain until Penn came, who fixed Hughes and the vote of the State." In saying that there was "not a *greater* tory" in the Continental Congress than William Hooper, Jefferson clearly did not mean that he was a loyalist: he rightly placed Hooper and Hewes, both North Carolina signers of the Declaration of Independence, among the number of those sturdy patriots who hesitated to the last to break off all political connection with the mother country, and who had a majority in the Continental Congress until June, 1776.[1] "I must not be understood," said Jefferson, "as suggesting any doubtfulness in the State of North Carolina. No State was more fixed or forward. Nor do I affirm, positively, that this paper is a fabrication; because the proof of a negative can only be presumptive. But I shall believe it such until positive and solemn proof of its authenticity shall be produced." Jefferson based his opinion on the utter lack of contemporary evidence of "this flaming declaration," although sent to the Continental Congress, and the silence of historians.

Jefferson showed unworthy pique in defending the originality of his immortal document as far as the "apocryphal" paper of Mecklenburg was concerned; but his letter contained facts and argu-

[1] *Post*, pp. 69–72. Cf. W. E. Dodd, *Life of Nathaniel Macon*, 19–20. According to John Adams, the majority long depended upon the vote of Joseph Hewes, *Works*, x., 35, 381.

ments which have never been shaken by testimony since discovered.

It has entirely convinced me [wrote Adams in reply][1] that the Mecklengburg Resolutions are a fiction. when I first read them in the Essex Register, I was struck with astonishment. It appeared to me utterly incredible that they should be genuine; but there were so many circumstances calculated to impose on the public that I thought it my duty to take measures for the detection of the imposture. for this purpose I instantly inclosed the Essex Register to you, knowing that if you had either seen or heard of these resolutions, you would have informed me of it. as they are unknown to you, they must have been unknown to all mankind.—I have sent a Copy of your letter to Salem, not to be printed, but to be used as decisive authority for the Editor to correct his error in the Essex Register.

Adams asks who the "Demon" could have been to invent the hoax, perhaps with intent to bring a charge of plagiarism against Jefferson, or for the "mere vanity of producing a jeu d'esprit, to set the world agasp and afford a topic of conversation in this piping time of Peace." He, too, appears to have doubted after hearing from Jefferson whether it was copied from the Raleigh newspaper, for he wrote Jefferson a week later[2] and sent a copy of the *National Register*, "to convince you that the Essex Register is not to blame for printing the Mecklingburg County Resolutions."

On July 24, 1819, three days after Adams wrote Jefferson that he had sent a copy of his letter to Salem, the *Essex Register* announced that the

[1] Adams to Jefferson, July 21, 1819, *Jefferson MSS.*, Library of Congress.

[2] Adams to Jefferson, July 28, 1819, *Jefferson MSS.*

Mecklenburg resolutions copied from the *Raleigh Register* had not had universal credit, and that although the publisher said that they rested on high authority, the public would be pleased to know more about them.[1] In reply, the editor of the *Raleigh Register* published on August 6, 1819, a statement of the causes that had led to the exhuming and publication of the resolutions. "The plot thickens," wrote Adams to a friend on seeing this explanatory statement.[2] "The name of the Cato of North Carolina, the honest, hoary-headed, stern, determined republican, *Macon*, strikes me with great force." But "an accumulation of miracles," some of which will be noticed later, opposed an insuperable barrier to a belief by Adams in the authenticity of the Mecklenburg resolutions. "*Haud credo*", he said. "I cannot believe that they were known to one member of Congress on the fourth of July, 1776. . . . The Declaration of Independence made by Congress on the fourth of July, 1776, is a document, an instrument, a record that ought not to be disgraced or trifled with. . . . That this fiction is ancient and not modern seems to be ascertained. It is of so much more importance that it should be thoroughly investigated."

The opinions of these two last surving members of the Continental Congress of 1775 were not made public at this time, and the editor of the *Raleigh*

[1] *Raleigh Register*, August 6, 1819. The article in the *Essex Register* contained the substance of Adams's letter of July 21, 1819, to Jefferson, but without mention of their names.

[2] Adams to William Bentley, August 21, 1819, *Works*, 383–384. Bentley had sent Adams a copy of the *National Intelligencer* of August 12, 1819, which contained the reply of the *Raleigh Register*.

Register considered his statement relative to the source whence the Mecklenburg resolutions were procured sufficient to satisfy the incredulity expressed in the newspapers of the country. "We trust, therefore," he said,[1] "that the most sceptical will no longer entertain a doubt of the authenticity of this declaration of independence of Mecklenburg county. If further evidence of these facts were wanting, it is believed the testimony of one of the most respectable inhabitants of this city, who was present when the declaration was resolved upon, might be added." Colonel William Polk, the witness referred to, procured and published the statements of several men of unimpeachable integrity, who testified that they were also present on the occasion; and Nathaniel Macon, who had first brought the matter to the attention of the general public, collected further testimony, including that of Captain James Jack, who said that he carried to the Continental Congress a declaration of independence adopted in Mecklenburg county in May, 1775.[2] All of these aged men stated that they had been present at Charlotte, the county seat of Mecklenburg, and heard a declaration of independence read before a large concourse of people; and while some of them could not be precise as to the date, and some recollected that Colonel Thomas Polk, not Colonel Adam Alexander, issued the order for the meeting that adopted the declaration, and that

[1] *Raleigh Register*, August 6, 1819.

[2] *Ibid.*, August 13, 1819, February 11 and 18, 1820, and May 26, 1820. This testimony was reprinted in a pamphlet in 1822 by Col. William Polk.

Ephraim Brevard, not John McKnitt Alexander, acted as secretary, they substantiated the main facts set forth in the historical note accompanying the resolutions in the *Raleigh Register* of April 30, 1819. There was no question in North Carolina about the genuineness of the resolutions. Dr. Joseph McKnitt Alexander certified them to be a true copy of papers left by his father, in whose house the original records had been destroyed by fire in 1800, and stated that he found it "mentioned on file" that a copy had been sent to General William R. Davie. Shortly after General Davie's death, in 1820, there was found among his papers a mutilated manuscript in the handwriting of John McKnitt Alexander which contained a part of the narrative and resolutions published in 1819.

This overwhelming array of testimony satisfied North Carolinians and apparently silenced the incredulous elsewhere. A knowledge of the event—it was known in 1819 to but few of the readers of the leading newspaper of the state—spread throughout North Carolina and Tennessee, and the bold step of the patriots of Mecklenburg gradually became a fixed topic for eulogy at 4th of July celebrations.[1] Its anniversary was first celebrated at Charlotte on May 20, 1825, and a large number of Revolutionary worthies attended.[2]

Thus the matter remained until Jefferson's letter to Adams, discrediting the authenticity of the document, was published in 1829 in the first edition of

[1] *Raleigh Register* files.

[2] *Ibid.*, March 15, and June 7, 1825.

his *Works*. The effect was not what it might have been had it appeared before the Mecklenburg Declaration was so deeply rooted in the minds and hearts of the people of all North Carolina. Its ill-tempered scepticism and unfortunate manner of referring to the North Carolina signers of the Declaration of Independence, particularly the term "tory" applied to Hooper, lost it much of its force. In some quarters it was construed to be an aggressive and "insulting attack" upon the proudest page of the Revolutionary history of North Carolina and upon the patriotism of her most honored dead.[1] But publications made their appearance for the first time in North Carolina, it seems, "calling in question the authenticity of the document as being neither a true paper, nor a paper of a true convention."[2]

To give to the world the "positive and solemn proof" that Jefferson demanded, the legislature of North Carolina, at its session in 1830–31, appointed a committee "to examine, collate, and arrange" all documentary evidence that could be obtained. The committee affirmed the genuineness and authenticity of the Mecklenburg resolutions. Its report and accompanying documents, comprising the evidence previously published and additional testimony, was published in pamphlet form in 1831 by Governor Montfort Stokes, under the authority and direction of the General Assembly.[3]

[1] Joseph Seawell Jones: *A Defence of the Revolutionary History of North Carolina from the Aspersions of Mr. Jefferson.* 1834. *Cf.* Randall's *Life of Thomas Jefferson*, iii, 573.

[2] W. H. Foote: *Sketches of North Carolina*, 207.

[3] This pamphlet, with the omission of the four last pages, which relate

Shortly after the appearance of the "State Pamphlet," as it is commonly called, Peter Force, of Washington, in compiling materials for his *American Archives*, discovered in an old English periodical, *Almon's Remembrancer*, a proclamation issued by the royal governor, Josiah Martin of North Carolina, on August 8, 1775, in which the Governor said that he had "seen a most infamous publication in the *Cape Fear Mercury* importing to be resolves of a set of people styling themselves a committee for the county of Mecklenburg, most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, and setting up a system of rule and regulation repugnant to the laws and subversive of his majesty's government," etc. The publication of the foregoing extract from the Governor's proclamation was followed in a very few months (in 1833), by

to the "Cumberland Association," is reprinted in the Appendix. The preface, written by David L. Swain at the instance of Governor Montfort Stokes, states that Jefferson's letter of July 9, 1819, "was at that time published in various newspapers, and has been since given to the world in the 4th volume of Mr. Jefferson's Works, page 314". The State Pamphlet was published in July, 1831, the first edition of Jefferson's *Works* in 1829, and the second in 1830. Swain was a boy of eighteen in 1819, and probably thought that Jefferson's letter was published in that year or thereabouts because he knew that it had appeared in the newspapers before 1830 and was ignorant of the earlier edition of Jefferson's *Works*. No notice of it has been found in the complete file of the *Raleigh Register* 1819–1829, in the Library of Congress, in broken files of other North Carolina newspapers, in the certificates of the aged witnesses who gave their testimony during these years, nor in the mass of contemporaneous private letters on the Mecklenburg Declaration which the writer has had access to. The carefully prepared sketches of the life of William Hooper that were published in the *Hillsboro Recorder* in the fall of 1822 would certainly have alluded to Jefferson's characterization of Hooper as a "tory," which aroused great

the discovery of the original proclamation book of Governors Tryon and Martin in the town of New Bern by the Rev. Francis L. Hawks.[1] Here seemed to be written contemporaneous evidence of the authenticity of the Mecklenburg resolutions. But many believed that the remarkable coincidence between phrases in the Mecklenburg Declaration and the Declaration of July 4, 1776, could not have been the result of accident, and that although a paper might have been drawn up in Mecklenburg on the 20th of May, 1775, it was not in the words of the instrument as it then stood. Professor George Tucker took this view of the matter in his *Life of Thomas Jefferson*, published in 1837. In a criticism of this work in the *New York Review* of March, 1837, Dr. Hawks roughly handled the character of Jefferson and charged him with plagiarism.

At this stage of the controversy, when all the aged witnesses to the famous meeting in Charlotte

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feeling in 1830, had the *Essex Register* printed Jefferson's letter against the wish of John Adams. The *North Carolina Journal* said in 1830: "The publication of Mr. Jefferson's letter of the 9th July, 1819, to Mr. Adams, has caused no little surprise." The article proceeds to defend Hooper. The *Raleigh Register* of September 20, 1830, copied this article "for the purpose", the editor said, "of rendering justice to a Patriot whose reputation had been assailed, as well as to substantiate the claim of North Carolina to the honor of having been the first to 'pledge the lives, the fortunes, and the sacred honor,' of her citizens, in the perilous struggle for emancipation. When we first cast our eyes over Mr. Jefferson's letter in relation to this subject, we were struck with the contemptuous manner in which Mr. Hooper's name was mentioned, and intended investigating the truth of the insinuations," etc. The article was reprinted in the State Pamphlet, pp. 30–32, from the *Raleigh Register*.

[1] D. L. Swain in *N. C. Univ. Mag.*, May, 1853, and in Cooke's *Revolutionary History of N. C.*, 104.

had passed away, the matter was given an entirely new phase by Peter Force's discovery of the preamble and first four resolutions of a series dated Charlotte Town, Mecklenburg county, May 31, 1775, in the *Massachusetts Spy or American Oracle of Liberty* of July 12, 1775. Mr. Force published these resolutions in the *Daily National Intelligencer* of December 18, 1838, with the following introductory remarks[1]:

> The Resolutions of Mecklenburg county, North Carolina, of May 20, 1775, . . . have excited more attention the last eight years than any other occurrence of the Revolution.—The authenticity of these resolutions has been questioned, yet no others have been produced; and it could not be denied that they, or others of a like character, were passed, . . . In the course of my examinations into the popular proceedings of that period of our history, I have met with another set of resolutions adopted by Mecklenburg county in May, 1775, which answer very well to the description given by Governor Martin. They are expressed in somewhat different terms, and are besides of a much wider scope than those heretofore published; being in fact a general Declaration of Independence of all the Colonies.

Soon afterwards Mr. Force found the resolutions printed in more complete, yet abbreviated form in the *New York Journal; or, The General Advertiser* of June 29, 1775.[2] After repeated searches made at the instance of David L. Swain, president of the University of North Carolina, the entire series of May 31, 1775, was brought to light in 1847 by Dr. Joseph Johnson, of South Carolina. They were

[1] From the file in the New York Public Library.

[2] William Q. Force in the *National Republican* (Washington, D. C.) November 24, 1873.

found in a copy of the *South Carolina Gazette; And Country Journal* of June 13, 1775, preserved in the Charleston Library. George Bancroft found another copy of the same paper in London a few days later.[1]

The newly-discovered resolutions, even in the condensed form in which they were first found, were inaccurately described by Mr. Force, for they do not declare absolute independence of Great Britain. Some persons regarded them as a declaration of independence, however, and thought the difference of eleven days in the rival declarations not worth disputing. Those who had doubted the genuineness of the May 20th resolutions and many others outside of North Carolina, concluded with Mr. Force that the paper of the 31st was the "Mecklenburg Declaration of Independence" which the aged men who gave their testimony between 1819 and 1830 had in mind. Their position was fortified by a certificate, dated September 3, 1800, appended by John McKnitt Alexander to the copy of the May 20th resolutions that he gave to Gen. W. R. Davie, from which it was learned that those resolutions were written from memory, after the destruction of the records in Alexander's house in April, 1800. Although this copy was found soon after General Davie's death in 1820, the certificate remained unknown to the general public until the Rev. Charles Phillips borrowed the

[1] Copy of a letter of D. L. Swain to B. J. Lossing, December 20, 1851, in the *Bancroft MSS.*, N. Y. Pub. Lib. Cf. *Historical Mag.*, December, 1867.

original Davie paper from Governor Swain and published the certificate in the *North Carolina University Magazine* of May, 1853. But the claims of Mecklenburg were upheld by many able writers, including such excellent historians as Irving, Hildreth, and Charles Francis Adams. For a number of years, however, the certificate to the Davie paper was ignored in North Carolina.

It was contended that Alexander said more than once that the Davie copy was substantially correct, and that the aged witnesses, without an exception, believed it to be correct, or stated positively that the paper they remembered was a declaration of independence. Dr. Francis L. Hawks testified from his personal communications with François-Xavier Martin that the resolutions of May 20th which appear in Martin's *History of North Carolina*, published in 1829, and which agree substantially with those in the Davie copy, were obtained by Martin before 1800, the year in which the Davie copy was written.[1] It is claimed that Martin copied them from the *Cape Fear Mercury*, to which newspaper the royal governor referred in his proclamation and dispatches to England.

The advocates of the Mecklenburg Declaration now argue that the so-called May 31st Resolves were never adopted in the form in which they were published in the contemporaneous Charleston news-

[1] *The Mecklenburg Declaration of Independence, a lecture by Rev. Francis L. Hawks, D.D. LL.D.*, delivered before the New York Historical Society, December 16, 1852, in Cooke's *Revolutionary History of N. C.*, 62. (Cited hereafter as *Dr. Hawks's Lecture*, Cooke.)

paper, but amended on the 20th of May into a declaration of independence.[1]

[1] This hypothesis was first advanced, we believe, by Dr. George W. Graham, in an address published in 1895 under the title of *Why North Carolinians Believe in the Mecklenburg Declaration of Independence*, and was elaborated by him in his latest work, *The Mecklenburg Declaration of Independence, May 20, 1775, and the lives of its signers*, (1905).

CHAPTER II

THE TRUE "DECLARATION"

THE Mecklenburg resolves of May 31, 1775, appeared in the *South-Carolina Gazette; And Country Journal* of Tuesday, June 13, 1775, published in "Charles-Town," South Carolina, as follows[1]:

Charlotte-Town, Mecklenburg County, May 31, 1775.

This day the Committee of this county met, and passed the following Resolves:

WHEREAS by an Address presented to his Majesty by both Houses of Parliament, in February last, the American colonies are declared to be in a state of actual rebellion, we conceive, that all laws and commissions confirmed by, or derived from the authority of the King or Parliament, are annulled and vacated, and the former civil constitution of these colonies, for the present, wholly suspended. To provide, in some degree, for the exigencies of this county, in the present alarming period, we deem it proper and necessary to pass the following Resolves, viz.

I. That all commissions, civil and military, heretofore

[1] From a photographic facsimile of the original newspaper in the Charleston Library. One of these facsimiles is in the Emmet Collection, New York Public Library. The imprint of the newspaper is, "Charles-Town: Printed by Charles Crouch, on the Bay, the Corner of Elliott-Street." No. 498.

granted by the Crown, to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.

II. That the Provincial Congress of each province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within their respective provinces; and that no other legislative or executive power, does, or can exist, at this time, in any of these colonies.

III. As all former laws are now suspended in this province, and the Congress have not yet provided others, we judge it necessary, for better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the Congress.

IV. That the inhabitants of this county do meet on a certain day appointed by this Committee, and having formed themselves into nine companies, (*to wit*) eight in the county, and one in the town of Charlotte, do chuse a Colonel and other military officers, who shall hold and exercise their several powers by virtue of this choice, and independent of the Crown of Great-Britain, and former constitution of this province.

V. That for the better preservation of the peace and administration of justice, each of those companies do chuse from their own body, two discreet freeholders, who shall be empowered, each by himself and singly, to decide and determine all matters of controversy, arising within said company, under the sum of twenty shillings; and jointly and together, all controversies under the sum of forty shillings; yet so as that their decisions may admit of appeal to the Convention of the Select-Men of the county; and also that any one of these men, shall have power to examine and commit to confinement persons accused of pettit larceny.

VI. That those two Select-Men, thus chosen, do jointly and together chuse from the body of their particular company, two persons properly qualified to act as Constables, who may assist them in the execution of their office.

VII. That upon the complaint of any persons to either of these Select-Men, he do issue his warrant, directed to the

Constable, commanding him to bring the aggressor before him or them, to answer said complaint.

VIII. That these eighteen Select-Men, thus appointed, do meet every third Thursday in January, April, July, and October, at the Court-House, in Charlotte, to hear and determine all matters of controversy, for sums exceeding forty shillings, also appeals ; and in cases of felony, to commit the person or persons convicted thereof to close confinement, until the Provincial Congress shall provide and establish laws and modes of proceeding in all such cases.

IX. That these eighteen Select-Men, thus convened, do chuse a Clerk, to record the transactions of said Convention, and that said clerk, upon the application of any person or persons aggrieved, do issue his warrant to one of the Constables of the company to which the offender belongs, directing said Constable to summons and warn said offender to appear before the Convention, at their next sitting, to answer the aforesaid complaint.

X. That any person making complaint upon oath, to the Clerk, or any member of the Convention, that he has reason to suspect, that any person or persons indebted to him, in a sum above forty shillings, intend clandestinely to withdraw from the county, without paying such debt, the Clerk or such member shall issue his warrant to the Constable, commanding him to take said person or persons into safe custody, until the next sitting of the Convention.

XI. That when a debtor for a sum below forty shillings shall abscond and leave the county, the warrant granted as aforesaid, shall extend to any goods or chattels of said debtor, as may be found, and such goods or chattels be seized and held in custody by the Constable, for the space of thirty days ; in which time, if the debtor fail to return and discharge the debt, the Constable shall return the warrant to one of the Select-Men of the company, where the goods are found, who, shall issue orders to the Constable to sell such a part of said goods, as shall amount to the sum due : That when the debt exceeds forty shillings, the return shall be made to the Convention, who shall issue orders for sale.

XII. That all receivers and collectors of quit-rents, public and county taxes, do pay the same into the hands of the chairman of this Committee, to be by them disbursed as the public exigencies may require; and that such receivers and collectors proceed no further in their office, until they be approved of by, and have given to, this Committee, good and sufficient security, for a faithful return of such monies when collected.

XIII. That the Committee be accountable to the county for the application of all monies received from such public officers.

XIV. That all these officers hold their commissions during the pleasure of their several constituents.

XV. That this Committee will sustain all damages that ever hereafter may accrue to all or any of these officers thus appointed, and thus acting, on account of their obedience and conformity to these Resolves.

XVI. That whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country, and upon information being made to the Captain of the company in which he resides, the said company shall cause him to be apprehended, and conveyed before the two Select-Men of the said company, who, upon proof of the fact, shall commit him, the said offender, to safe custody, until the next sitting of the Committee, who shall deal with him as prudence may direct.

XVII. That any person refusing to yield obedience to the above Resolves, shall be considered equally criminal, and liable to the same punishment, as the offenders above last mentioned.

XVIII. That these Resolves be in full force and virtue, until instructions from the Provincial Congress, regulating the jurisprudence of the province, shall provide otherwise, or the legislative body of Great-Britain, resign its unjust and arbitrary pretentions with respect to America.

XIX. That the eight militia companies in the county, provide themselves with proper arms and accoutrements, and

hold themselves in readiness to execute the commands and directions of the General Congress of this province and this Committee.

XX. That the Committee appoint Colonel Thomas Polk, and Doctor Joseph Kenedy, to purchase 300 lb. of powder, 600 lb. of lead, 1000 flints, for the use of the militia of this county, and deposit the same in such place as the Committee may hereafter direct.

Signed by order of the Committee,
EPH. BREVARD, Clerk of the Committee.

The fact that these resolves were adopted in Mecklenburg County in May, 1775, which is the foundation of the argument against the alleged declaration of independence of the twentieth of the same month, has been denied by those who find them more or less incompatible with the declaration which they uphold, on the ground that it rests solely on the authority of a Charleston newspaper, and that, although the editor was a Tory, he printed them without remark, thereby showing that he was unwilling to vouch for their having been adopted on the date and in the form published.[1] This contention arises partly from a lack of information concerning Charleston printers and American newspapers of 1775. The *South-Carolina Gazette; And Country Journal*, which printed the Mecklenburg resolves, was conducted by Charles Crouch, a sound Whig, and the one other Charleston newspaper published in June, 1775, also supported the cause of the colonies.[2] One who searches the

[1] Geo. W. Graham: *The Mecklenburg Declaration*, pp. 43–44, 52. Cf. *Gov. Graham's Address*, pp. 83–86.

[2] Isaiah Thomas: *History of Printing*, ii., pp. 157–169, 366, 371, and private information from Mr. A. S. Salley, Jr., Sec. Historical Commission

newspaper files of that period will turn many a page to find a word of comment accompanying any public document printed therein. In some of these no editorial matter whatever was printed.

But another contemporary newspaper has been brought to light which confirms the genuineness and authenticity of the Mecklenburg resolves of May 31, 1775. On Friday, June 16, 1775, three days after the resolves were published in Charleston, they appeared in the *North-Carolina Gazette*,[1] printed weekly at New-Bern, two hundred miles away. With the exception of a few words, mostly misprinted, no doubt, the two series of resolves and their headings are identical in form. The dates of the publication of the resolves in Charleston and New-Bern, which are nearly equidistant from Charlotte, being about two hundred miles from that town, precisely fit the situation in point of time, and indicate that they were dispatched from Charlotte by the committee that adopted them. It is incredible that both messengers should have been so deceived as to make their arduous journeys of two hundred miles on horseback to have published in Charleston and New-Bern a series of resolves that were adopted eleven days before their accredited date, as some would have us believe, in a

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of South Carolina. The Mecklenburg resolves have often been erroneously credited to the *South-Carolina Gazette*, a third Charleston newspaper of the period. It was conducted by Peter Timothy, a patriot of patriots, and its publication was suspended from April until September, 1775.

[1] The resolves in the *North-Carolina Gazette* are reprinted in the Appendix.

form so different as to change their whole tenor and import, although the date and nature of the true resolves were known, according to the testimony of all witnesses, to nearly every man in Mecklenburg County. Other evidence will be adduced which confirms the form and date of the resolves published in the Charleston and New-Bern newspapers.

It will be observed that the Mecklenburg resolves of May 31, 1775, constitute a virtual declaration of independence. They declare that all civil and military commissions granted by the crown are null and void, and the constitution of each colony wholly suspended; that legislative and executive powers are vested solely in the Provincial Congress of each colony; that the people of Mecklenburg should therefore form certain regulations for the government of the county; that county military officers, when chosen by the people, shall exercise their powers by virtue of such popular choice, and "independent of the Crown of Great Britain and former constitution of this province"; that a body of select-men having administrative and judicial powers, called a convention or committee, shall be elected by the people; that any person thereafter attempting to exercise a commission from the crown shall be "deemed an enemy to his country", committed to custody, and dealt with as prudence may direct; that all who refuse obedience to these resolves shall be considered equally criminal; and that these resolves shall be "in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence

of the province shall provide otherwise, *or the legislative body of Great-Britain resign its unjust and arbitrary pretentions with respect to America.*"

By declaring British authority and British forms of government to be wholly suspended in all the colonies and all legislative and executive powers to be vested in the Provincial Congresses, the people of Mecklenburg took a more advanced step in the direction of independence than any other organized body of their compatriots had taken. British rule was regarded as suspended, not annihilated, and the resolves were defeasible by a change in the attitude of the British Government; but the document might easily be mistaken for a declaration of independence. It has been repeatedly called such by intelligent critics of our own day. In effect, Mecklenburg County declared independence subject to a contingent limitation. The significance of this limitation might have been overlooked by many persons in 1775, and the limitation itself entirely forgotten in later years. Since it so happened that there was no occasion to think of the defeasibility of the resolves in virtue of the contingency, and Mecklenburg County was never afterwards under British rule, how, in years after the great Declaration of July 4, 1776, would men of Mecklenburg have been likely to recall their precursive step, when the precise terms of the instrument by which they had renounced British authority, and which are so essential in determining its import, had passed out of their minds? If we conclude that many persons who were present at a meeting in Charlotte in May, 1775, who saw and

heard what transpired, and testified positively years afterwards that the paper then adopted was a declaration of independence, could not have been mistaken as to that fact, then we are confronted by two sets of resolves which wrought a fundamental change in the civil government of Mecklenburg County in May, 1775, one of which was entirely forgotten by all who remembered the other.

The paper of May 31, 1775, it should be borne in mind, was not rescued from oblivion until after all the survivors who said they had been present in Charlotte when a declaration of independence was made had passed away; while that of May 20, 1775, which they were called upon to verify after a lapse of half a century, was pointed out to them as a reproduction of an original record. Not until the publication in 1853 of the certificate appended by John McKnitt Alexander to a copy of the latter paper that he gave to General William R. Davie, did the general public learn that it was written from memory in 1800, shortly after the destruction of the records in Alexander's house.

Reserving for critical analysis the document alleged to have been adopted on May 20, 1775, the recollections of the aged witnesses concerning the terms of the document which they understood to be a declaration of independence, and all other evidences of a later date than 1776, we shall consider (1) the documents of May 20, and May 31, 1775, in their relation to each other, assuming that both were adopted, and in their relation to the most significant facts and circumstances associated with the docu-

ment which all the witnesses and participants at the famous meeting had in mind, viewed in the light of contemporaneous testimony; (2) contemporaneous evidence of either document; and (3) the subsequent conduct of reputed authors and supporters of the alleged declaration of independence.

CHAPTER III

THE RIVAL DECLARATIONS COMPARED

THE analogous Mecklenburg manifestoes of May, 1775, if that of May 20th be authentic, were issued by the same representative body, known as the Committee of the County of Mecklenburg. The May 31st resolves were published in contemporary newspapers as resolves of this body. The historical note accompanying the document found among John McKnitt Alexander's papers, and published in the *Raleigh Register* in 1819, states that it was adopted by a "delegation," or convention of "delegates," composed of two persons chosen from each militia company in Mecklenburg County; *but in his original draft of this narrative, written in 1800, John McKnitt Alexander invariably refers to the same body as a "Committee," and to its members as "Committee Men."*[1] These and other discrepancies indicate that the first draft of the historical statement, which will be examined later, was revised at the instance of John McKnitt Alexander by another person.

[1] *Post*, Chap. IX.

Several Mecklenburg fathers who were called upon to substantiate the facts set forth in the Alexander narrative used the terms "delegation" and "delegate"; others said that the body which declared independence was a "Committee." These witnesses tell substantially the same story, and all clearly had in mind the same meeting. General Joseph Graham, one of the most intelligent of their number, wrote in 1830: "During the Winter and Spring preceding the event, several popular meetings of the people were held in Charlotte, two of which I attended. . . On the 20th of May, 1775, besides the two persons elected from each militia company, (*usually called Committeemen*), a much larger number of citizens attended in Charlotte than at any former meeting—perhaps half the men in the county." "At the time those resolutions were adopted," said General Graham in 1835,[1] "there were 13 militia companies in Mecklenburg and Cabarrus [then a part of Mecklenburg] Counties; the practice was, at company muster, each company elected two of their number as committeemen, usually those for whom they had the most confidence in for intelligence. As well as I can remember, it was first practiced in the Autumn of the year 1774, and had several meetings in the Winter and Spring preceding *the* meeting of May, 1775. The Committee were continued for 15 years

[1] Address of General Graham at Charlotte, May 20, 1835, on the occasion of the celebration of the anniversary of the Mecklenburg Declaration, in the *North Carolina Booklet* for January, 1906, copied from the *Western Carolinian* (Salisbury, N. C.), June 20, 1835.

after. What time they ceased is unknown to me." The Alexander narrative also refers to earlier meetings mentioned by General Graham, and to "the continued exertion of said delegation."

Committees, now usually called Committees of Safety, were established in the counties and principal towns of North Carolina in accordance with the articles of American Association, adopted by the Continental Congress in October, 1774.[1] The Provincial Convention of August, 1774, recommended that committees of five persons be chosen in each county,[2] but of the few counties which acted upon the recommendation, none, so far as is known, restricted membership to five persons, and several, if not all, were reorganized after the receipt of the advice of the Continental Congress two months later. The records of some of these committees show a much larger membership than the Mecklenburg committee of May, 1775. According to the combined recollections of men who were present at the meeting which is alleged to have issued a declaration of independence, the Mecklenburg committee had about thirty members—twenty-six, if the number of militia companies given by General Graham be correct. All of the witnesses agree that it consisted of two persons elected from each militia company. Rowan County, then adjacent to Mecklenburg, furnishes one of the earliest instances of an election of committeemen from the county

[1] *Colonial Records of North Carolina*, ix. and x., *passim*.

[2] *Ibid.*, ix., 1047.

militia companies. New elections of committees were frequent in all counties. On February 8, 1775, the Rowan committee, which was established in the autumn of 1774, resolved, "That it be recommended to the Inhabitants of Rowan County that the several Militia Companies meet together, and each choose a Committee Man, which Committee so chosen shall meet at Salisbury the first of March . . . . . particularly that the said Committee make such Resolves or adopt such Measures as may enforce the observation of the Resolves of the General Congress and most effectually secure to America her natural and political privileges."[1] This resembles the order for the election and meeting in Mecklenburg referred to in the Alexander narrative. The inference, then, to be drawn from contemporaneous records, and the direct statements of John McKnitt Alexander and other witnesses in later years, prove that a committee was organized in Mecklenburg County in the fall of 1774, that a new committee was elected in May, 1775 and that this body was the "delegation" which met in the same month and adopted the resolves which were understood to be a declaration of independence.

We have now to deal with two sets of resolutions adopted by the Mecklenburg committee at meet-

[1] *Colonial Records of North Carolina*, x., 83–84. The proceedings of the Rowan Committee are erroneously dated July 8, 1775, for they refer to the meeting of the Continental Congress on May 10, 1775, as a future event. In his *History of North Carolina*, p. 363, John H. Wheeler, copying from the original records, dates them February 8, 1775.

ings held in May, 1775, the one a formal declaration of independence, made on the 20th of the month, the other, decidedly independent in spirit, adopted on the 31st. Both declare the political status of the people of Mecklenburg County, and both provide a system of county government. Until very recently, it has been held that the paper of May 31st followed as an appropriate consequence of a dissolution of all political connection with Great Britain by the declaration of the 20th: it was said to be "an authentic document, founded on that declaration, and meant to carry its principles into action."[1] The intrinsic evidence of the document of May 31, 1775, shows that it had no relation to an antecedent declaration of independence. It contains not a hint of the declaration which is presumed to have been its foundation, but proceeds on the assumption, expressly stated in the preamble, that British authority was suspended, not by the men of Mecklenburg, but by a declaration of Parliament that the colonies were in actual rebellion. If the document of May 20th be genuine, then a representative body assembled in Charlotte on May 19th, vested with unlimited authority, adopted certain measures after a public discussion and two days sitting, which were unanimously approved by a vast concourse of people, and met again eleven days later to do it all over again in a milder way. On the 20th of May the committeemen declared the people of Mecklenburg to be free and independent of Great Britain, adopted

[1] *Dr. Hawks's Lecture*, Cooke's *Rev'y Hist. of N. C.*, 77; *Gov. Graham's Address*, 81 *et seq.*

all their former laws, reinstated in their commands military officers who conformed to the new "regulations," as they were called, and assumed to themselves, in the character of justices of the peace and committeemen, all judicial and administrative authority. "A number of bye-laws were also added," says the Alexander narrative, "merely to protect the association from confusion, and to regulate their general conduct as citizens,"—"bye-laws and regulations for the government of a standing Committee of Public Safety," wrote Humphrey Hunter, who was present. The county government thus provided for was to continue in operation, "until a more general and organized government be established in this province." On May 31st the committeemen met again and abrogated British laws which had been eleven days abrogated and adopted as a "rule of life" for the people of independent Mecklenburg County; vacated offices held under the crown which had been eleven days vacated and partly or wholly filled by new appointments; deprived of their commands the military officers reinstated on the 20th by ordering an election of new ones by popular vote; and legislated themselves out of office by resolving that civil officers should be elected to perform the identical duties which they had imposed upon themselves eleven days earlier! "A number of bye-laws were added, merely to protect the association from confusion, and to regulate their general conduct as citizens." No reasons for this anomalous second action are given. No allusion is made to the previous action. To com-

plete the work of undoing and doing again in a milder way all that had been done on the 20th, which had met with universal satisfaction, and which was now ignored, the committeemen of the 31st annulled their declaration of independence: they now declared that the constitution of the province was only suspended, and that the new order of things should continue "until instructions from the Provincial Congress regulating the jurisprudence of this province shall provide otherwise, *or the legislative body of Great Britain resign its unjust and arbitrary pretentions with respect to America.*" Can it be believed that half the men of Mecklenburg County acclaimed with shouts of joy an irrevocable declaration of independence, saw their representatives pledge their lives, fortunes, and sacred honor to maintain it, and permitted the same men to assemble on the same spot eleven days later to recant their bold words?

Few attempts have been made to explain away the fact that the document of May 20th is contradicted by and inconsistent with the document of May 31st. Only one need be noticed. It has been suggested that the patriots of Mecklenburg were precipitated by the news of the battle of Lexington into an act which on cooler reflection they recognized to be premature and damaging to the cause of the colonies; that they magnanimously met eleven days later and adopted another series of resolutions pitched in a lower key, which were hurried into print, and that measures were taken in Mecklenburg and in other parts

of the province to suppress the declaration of independence.[1] This hypothesis is rebutted by the very men whose testimony is mainly relied upon to support that declaration. They point with pride to the fact that the resolutions they remembered were sustained with firmness and energy, and that the "harmony, unanimity, and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern and Wilmington. . . ." Captain James Jack, who tells us that he bore the resolutions to Philadelphia to lay them before the Continental Congress, vividly recollected how they were read in open court when he passed through Salisbury, in the adjoining county of Rowan, and approved by all. Captain Jack is known to have left Charlotte after May 31, 1775. Not one of the fourteen who said that they were present in Charlotte in May, 1775, or thereabouts, when independence was declared, recalled that two series of resolves were adopted in that month which overturned the civil government of Mecklenburg County, or intimated that the declaration of independence was suppressed in Mecklenburg or elsewhere in North Carolina.

The intrinsic evidence of the rival declarations, strengthened by the fact that the witnesses remem-

[1] *New York Herald*, May 3, 1875, editorial. Cf. *Dr. Hawks's Lecture*, Cooke, 91, and *Gov. Graham's Address*, 83–84.

bered only one such document, which was not suppressed or superseded, is strongly against the theory that both were adopted. Their similarity indicates that one is the basis of the other. The advocates of the document of May 20, 1775, recently saw that their only logical position was to deny that the May 31st resolves were adopted on the date and in the form published in the *South-Carolina Gazette; And Country Journal* of June 13, 1775, and to argue that they were drawn up before the receipt of the news of Lexington, and amended on the 20th into a declaration of independence. This position has been rendered untenable by the discovery of a copy of the *North-Carolina Gazette* of June 16, 1775, containing the same resolves under the same date as were printed in the Charleston newspaper. But we have not to rely wholly upon newspapers for contemporary proofs that the May 31st resolves were adopted.

CHAPTER IV

THE LOST "CAPE-FEAR MERCURY"

THE men who attended a meeting of the Mecklenburg committee in May, 1775, and testified in later years that a declaration of independence was adopted, state that it was read by Colonel Thomas Polk from the steps of the court-house in Charlotte before "perhaps half the men in the county," or "the males generally." Four said that "the resolutions had considerable effect in harmonizing the people in two or three adjoining counties." We have seen that none intimated that they were suppressed in any part of the province of North Carolina, and that Captain James Jack stated that they were read aloud in open court at Salisbury, which is forty miles distant from Charlotte, early in June, 1775. Assuming that they were suppressed, can it be believed that nobody in Mecklenburg or Rowan County could have been imprudent enough to spread the startling news that the inhabitants of Mecklenburg had formally declared, at a large public meeting, that they were free and independent of Great Britain? And did

Whigs and Tories conspire to keep it secret? One who was present in Salisbury states that the news brought by Captain Jack caused a great stir among the Tories of the town, and that their leaders tried to prevent Jack from proceeding to Philadelphia.[1] The Tories of Mecklenburg would have hurried to the British authorities in spite of efforts to suppress it, and the declaration of independence would soon have been known and discussed in all parts of the colony. Notwithstanding this fact, a search extending over a period of nearly a century, begun at a time when a great mass of contemporary records now lost were extant, has produced but one item of contemporary evidence which the advocates of the document of May 20, 1775, rely upon to prove its authenticity. The document is alleged to have been printed in the *Cape-Fear Mercury*, a newspaper printed in Wilmington, North Carolina; for Governor Josiah Martin's descriptions of a manifesto of Mecklenburg County contained in a copy of this newspaper which he sent to England—and which disappeared from the British State Paper Office in 1837 under circumstances which indicate, it is said, that it contained the document of May 20th—apply to nothing less than a declaration of independence. A plausible argument has been advanced to prove that the resolutions of May 20th in Martin's *History of*

[1] MS. of Adam Brevard, brother of Ephraim Brevard, dated July 13, 1824, copied into Wheeler's *Reminiscences and Memoirs of North Carolina*, 241–243, from the *Southern Home* for July 5, 1875. *Cf.* Gen. Jos. Graham's testimony.

North Carolina were copied from the *Cape-Fear Mercury*.[1] In treating the testimony of Governor Martin, we fortunately have access to all of his correspondence with the home government, his proclamations, and the records of his Council.

During the last week in May, 1775, Governor Martin was compelled by fear of personal violence to flee from his palace at New-Bern, the seat of government, and to take refuge at Fort Johnston, at the mouth of the Cape Fear River, about thirty miles below Wilmington. Here he was soon cut off to a great extent from communication with loyalists in the interior of the province by the vigilance of the town and county committees. The earliest mention of this fact in the Governor's correspondence is contained in a letter of July 6, 1775, to the Earl of Dartmouth, the British Secretary for the Colonies, in which he said that a servant whom he had dispatched to the post-office at Wilmington for his letters three days before was stopped by the committee of the town of Brunswick and obliged to swear that he had no letters for him before he was allowed to proceed.[2] But Governor Martin had a large following in the province, particularly in the upper and middle Cape Fear regions, and it would have been physically impossible for the patriot party to prevent the news of a declaration of independence publicly proclaimed in Mecklenburg County from reaching

[1] George W. Graham: *The Mecklenburg Declaration.*
[2] *Col. Rec. of N. C.*, x., 43–44, 69.

him.[1] Wilmington was the principal trading town of the province, the stronghold of the Whig party in the populous Cape Fear section, famous for its early and active support of the cause of the country, and the home of many of the most influential Whigs of North Carolina, such as Cornelius Harnett, whom Josiah Quincy called "the Samuel Adams of North Carolina," the Ashes, William Hooper, Archibald MacLaine, and others; but there was a large body of Tories in the town,[2] and had it been known there that Mecklenburg County declared independence, oral intelligence, if not the declaration itself, would have quickly reached Governor Martin.

A proclamation issued by Governor Martin from Fort Johnston on June 16, 1775,[3] nearly a month after the alleged promulgation of the Mecklenburg Declaration, shows that he had not heard of it at that late date. His thunderbolts were directed against "sundry ill-disposed persons," particularly in the county of Brunswick, who were endeavoring by "false, seditious, and scandalous reports" "to engage the People to subscribe papers obliging themselves to be prepared with Arms, to array themselves in companies, and to submit to the illegal and usurped authorities of Committees, covering their flagitious and abominable designs with pretended apprehensions of intestine insurrections *and professions of duty and allegiance to the King*,

[1] Wm. E. Dodd: *Life of Nathaniel Macon*, 19–21; Sabine's *Loyalists of the American Revolution*, i., 36. Sabine holds that the loyalist party in North Carolina was as numerous as the Whigs.

[2] *Col. Rec. of N. C.*, x., 48. [3] *Ibid.*, x., 16–19.

in order the more effectually to deceive and betray the innocent and unwary people into the most flagrant violations thereof." It is clear that Governor Martin knew nothing of a declaration of independence emanating from Mecklenburg County; nor had he seen the May 31st resolves, for they contain no professions of duty to the king and only a tacit acknowledgement of allegiance. The May 31st resolves were first published in North Carolina on June 16th, the day on which this proclamation was issued. They appeared in the *North Carolina Gazette*, of New-Bern, on that day. New-Bern was about a hundred miles from Fort Johnston; Governor Martin had few sympathizers there,[1] and advices from them were no doubt very infrequent.

Before proceeding to Governor Martin's references to an extraordinary publication of Mecklenburg County, an event will be noticed which should be considered in connection with them, and which reveals at the same time the political sentiments of the Whig leaders of North Carolina at this moment and their ignorance of the supposed declaration of independence. On June 20, 1775, four days after the date of the governor's proclamation, a general meeting of the committees of the Wilmington district was held in the town of Wilmington.[2] This body adopted the "Association" agreed to by the committee of New Hanover County on June 19th, which, with some textual changes, was the same as that agreed to at Charles-

[1] *Col. Rec. of N. C.*, x., 43.

[2] *Ibid.*, x., 24–29; proceedings of the meeting.

ton on June 3d, in the Provincial Congress of South Carolina. The Association was drawn up after the receipt of the news of Lexington, and was the boldest document other than the Mecklenburg resolves of May 31, 1775, that had been put forward up to that time in the Carolinas. It is best known as the "Cumberland Association," having been later adopted by the committee for the county of Cumberland. Its subscribers solemnly engaged to associate as a band for the defence of their rights, and to go forth and be ready to sacrifice their lives and fortunes at the call of the Provincial or Continental Congresses; "This obligation", it ran, "to continue in full force until a reconciliation shall take place between Great Britain and America, upon constitutional principles, an event we most ardently desire, and we will hold those persons inimical to the liberties of the Colonies who shall refuse to subscribe this Association." Though driven to arms in defence of their constitutional rights, independence was not the aim nor the wish of the inhabitants of the Wilmington district, nor, as far as contemporaneous records show, of any organised body of men in America at this time. The same meeting that adopted the Association appointed Robert Howe, Archibald MacLaine, and Samuel Ashe, three of the most able and active patriots in the colony, to draw up a reply to the Governor's proclamation of the 16th of June. They reported a document which stated that unconstitutional and oppressive acts of Parliament had laid the people of the colony under the necessity of appointing Com-

mittees for the several districts, towns, and counties, and that "as his Excellency has endeavored by his Proclamation to weaken the influence and prejudice the characters of those Committees and the persons appointed under them by wantonly, cruelly, and unjustly representing them as ill-disposed people, propagating false and scandalous reports, derogatory to the honor and justice of the King, and also by other illiberal and scandalous imputations expressed in the said Proclamation: We, then, the Committees of the counties of New Hanover, Brunswick, Bladen, Duplin, and Onslow, in order to prevent the pernicious influence of the said Proclamation, do unanimously resolve that in our opinion his Excellency, Josiah Martin, Esq., hath by the said Proclamation, and by the whole tenor of his conduct since the unhappy disputes between Great Britain and the colonies, discovered himself to be an enemy to the happiness of this colony in particular and to the freedom, rights, and privileges of America in general." It is incredible that the authors of this paper, who thus emphatically belie the Governor's imputations that the committees of the province were acting otherwise than as subjects of King George III. contending for their political rights, and driven to extreme measures, could have known that the committee of Mecklenburg County declared independence of Great Britain a month before. And yet, if there was such a declaration, it would certainly have been made known to them and to many others in the large district which they represented.

Before the meeting at Wilmington adjourned, (June 21, 1775), the Association and the reply to the Governor's proclamation were ordered to be published in the newspapers. They appeared, in all probability, in the *Cape-Fear Mercury* of Friday, June 23, 1775. This paper was printed weekly at Wilmington under the patronage of the local committee by Adam Boyd, one of its members.[1] The *Cape-Fear Mercury* and the *North-Carolina Gazette* were the only newspapers published in the province.

By June 25th, the news of both an extraordinary publication of Mecklenburg County and of the meeting at Wilmington had reached Governor Martin. He addressed the Council held at Fort Johnston on that day as follows :[2] "The seditious Combinations that have been formed and are still forming in several parts of this Colony and the violent measures they pursue in compelling His Majesty's Subjects by various kinds of intimidations to subscribe Associations inconsistent with their Duty and allegience to their Sovereign, The obliging People to frequent meetings in Arms, by the usurped Authority of Committees, the recent Assemblage of a Body of armed Men in the town of Wilmington for the purpose of awing His Majesty's Loyal Subjects there into submission to the dictates of an illegal and tyrannical tribunal erected there under that name,[3] and

[1] Stephen B. Weeks : *Press of N. C. in the 18th Century*, 33.

[2] *Col. Rec. of N. C.*, x., 38–39.

[3] The Governor refers to the general meeting of the committees at Wilmington on June 20th and 21st, and the signing of the Association by the inhabitants of the town. See *Col. Rec. of N. C.* x., 236.

the late most treasonable publication of a Committee in the County of Mecklenburg explicitly renouncing obedience to His Majesty's Government and all lawfull authority whatsoever, are such audacious and dangerous proceedings, and so directly tending to the dissolution of the Constitution of this Province, That I have thought it indispensably my Duty to advise with you on the measures proper to be taken for the maintenance of His Majesty's Government and the Constitution of this Country, thus flagrantly insulted and violated." Governor Martin's description of the publication of the Mecklenburg Committee would apply to a formal declaration of independence; yet he puts it in the same class with other "seditious" proceedings "directly tending to the dissolution of the Constitution of this Province," particularly the signing of the new Association.

On June 30, 1775, five days after the meeting of the Council, Governor Martin wrote from Fort Johnston to the Earl of Dartmouth, the British Secretary of State for the American Department.[1] "The Resolves of the Committee of Mecklenburgh," he said, "which your Lordship will find in the enclosed Newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced, and your Lordship may depend its Authors and Abettors will not escape my due notice whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government. A copy

[1] *Col. Rec. of N. C.*, x, 41-50.

of these Resolves I am informed were sent off by express to the Congress at Philadelphia as soon as they were passed in the Committee." The governor refers to only three enclosures in this letter—a newspaper, his proclamation of June 16th, and the minutes of the Council at Fort Johnston on June 25th. Of his proclamation he wrote: "The Newspaper enclosed will show your Lordship that the same spirit of sedition and extravagance that gave cause to that Act of Government has produced an impudent and formal contradiction of the undeniable truths it contains, under the authority of a Committee. . . . According to custom and as the last resort of malice and falsehood, your Lordship will find this Publication prescribes me as *an Enemy to this Province in particular and to America in General*, . . ." The governor plainly referred to the reply made to his proclamation by the general committee at Wilmington on June 21st, which, as we have seen, was ordered on that day to be printed in the newspapers, and which most probably appeared in the *Cape-Fear Mercury* of June 23d, the organ of the Wilmington Committee.

The original dispatch of Governor Martin of June 30, 1775, is in the Public Record Office in London, together with the proclamation and minutes of the Council, but the third inclosure, the newspaper, is missing. Written across the back of the dispatch is this pencilled note: "A Printed Paper taken out by Mr. Turner for Mr. Stevenson, August 15th 1837." Andrew Stevenson, of Virginia, was American Minister at the Court of St. James,

1836–1841. He never took part in the discussion of the Mecklenburg Declaration, and, according to a memorandum found among his papers after his death, the newspaper was borrowed for another person.[1] It was removed from the British State Paper Office at a time when Jefferson was openly charged with plagiarism, and the failure to return it has been regarded by the most recent advocates of the document of May 20, 1775, as presumptive evidence that it contained that document.[2] Had the matter rested thus, the Mecklenburg controversy might have gone on forever. But all of Lord Dartmouth's American papers are not on file in the Public Record Office, and among his manuscripts in the possession of the present Earl of Dartmouth

[1] *New York Herald*, May 19, 1875, containing *Herald* correspondent's interview with Andrew Stevenson's son, Senator John W. Stevenson.

[2] Dr. Geo. W. Graham devotes several pages of his volume on the Mecklenburg Declaration to the *Cape-Fear Mercury* episode. He argues that Dr. Hawks's article in the *New-York Review* for March, 1837, in which he charged Jefferson with plagiarism, "announced that the Mecklenburg Declaration was first published in the *Cape-Fear Mercury* in June, 1775, which paper was still preserved in the Colonial Archives in England"; that Andrew Stevenson, a friend of Jefferson, therefore borrowed the newspaper and never returned it; that "Jared Sparks, the historian, visited London in search of that copy of the *Mercury* in 1840–41, and of course must have made the acquaintance of Mr. Stevenson"; and that during the twenty years previous to Mr. Stevenson's death in 1857, when the controversy as to the genuineness of the Mecklenburg Declaration had become intensified by Mr. Force's discovery of the May 31st resolves, "nowhere do we find that Mr. Stevenson ever participated in the debate, although, with the *Cape-Fear Mercury* in his possession, he could have settled the controversy for all time." In point of fact, Dr. Hawks "announced" in the *New York Review* that "the Mecklenburg document was first published in a newspaper of North Carolina, called 'The Cape Fear Mercury,'" and as authority for his statement quoted Governor Martin's proclamation of August 8, 1775, which had been found and made public several years

is a duplicate of Governor Martin's dispatch of June 30, 1775, which contains, in place of a newspaper, a manuscript copy of the Mecklenburg Resolves of May 31, 1775. The duplicate dispatch is in the same clerk's or secretary's hand and in the same words as the original in the Public Record Office, and is signed by the Governor. Both were numbered 34 by Governor Martin's secretary. The duplicate is indorsed: "North Carolina. Fort

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before. Dr. Hawks knew nothing of any copy of the newspaper in England, or of any correspondence of Governor Martin concerning the Mecklenburg resolves. Jared Sparks was ignorant of it when he went to Europe to make transcripts of MSS. relating to America. In a volume in the Sparks Collection (Harvard University Library), entitled *Selections and Memoranda made in the Public Offices of London and Paris and in the British Museum, 1840–41*, there is an extract from Governor Martin's letter of June 30, 1775, and the following note by Mr. Sparks: "The newspaper referred to above is not among the files in the State Paper Office, but it was undoubtedly the 'Cape Fear Gazette' [over the word Gazette is written in the same hand 'Mercury?']. The extract furnishes a proof, that the Resolves, as they were actually passed, were the same as contained in the Newspaper; and that the Resolves published recently in North Carolina, purporting to be copied from a manuscript found among the papers of General Davie, are essentially altered from the original, and that this alteration took place after the 'Declaration of Independence.' I believe Mr. Peter Force has in his possession the Newspaper, which contains the original resolves.—I think, also, that they have been reprinted, within the last year or two, in the 'Southern Literary Messenger' at Richmond." The May 31st resolves were partly printed in the *Southern Literary Messenger* of June, 1839. Jared Sparks was the first to call attention to Governor Martin's letter of June 30, 1775. He stated that the newspaper alluded to could not be found. (Gov. Swain in Cooke's *Rev'y Hist. of N. C.*, 105.) It is entirely gratuitous to suppose that Andrew Stevenson stole the newspaper loaned to him as a courtesy of the Keeper of the British State Papers, or that he ever examined it or knew its importance when it was in his possession, and withheld it from the public for twenty years. It is much more probable that it was lost before any one saw it who could appreciate its significance. If the person who borrowed it in Stevenson's name had produced it during those twenty years, it would not, as Graham supposes, have settled the Mecklenburg question. In his lecture before the N. Y. Historical

THE
CAPE-FEAR MERCURY;
(FRIDAY, June 3rd. 1775.) No. 294

The spurious *Cape-Fear Mercury*, Friday, June 3rd, 1775.

Johnston. 30 June 1775. Governor Martin. N° 34 (Duplicate original not rec^{d}.) R. Sept^{r} 10 1775 (3 Inclosures) Ent^{d}." The manuscript copy of the Mecklenburg resolves bears the indorsement: "In Gov^{r} Martin's of the 30 of June, 1775, N°. 34." The resolves do not agree verbatim with those in the Charleston paper of June 13, 1775, or with those in the New-Bern paper of June 16, 1775, and they are not dated; but there is no material difference

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Society in 1852, Dr. Hawks, who was then the foremost advocate of the Mecklenburg Declaration, said that Governor Martin's description of the resolves in the *Cape-Fear Mercury*, applied exactly to the May 31st resolves; and in his address at Charlotte in 1857 he spoke of the publication of the resolves in Wilmington as an established fact. Governor Swain wrote Bancroft, March 18, 1858, that it was then "conceded on all sides that the Resolutions of the 31 May were the Resolutions published in the *Cape-Fear Mercury* and transmitted by Gov. Martin to the English government." In 1864, when the advocates of the document of May 20th had begun to change their ground, Col. John H. Wheeler visited London and learned from the memorandum on the back of Governor Martin's letter that the newspaper had been taken out for Mr. Stevenson. Up to that time, as far as the writer has been able to ascertain, the literature of the question fails to disclose a single intimation that there was ever a copy of the *Cape-Fear Mercury* in the British archives. Colonel Wheeler treated the loss of the paper as an unfortunate accident. It has remained for more recent writers to assert that Jefferson's defenders destroyed the evidence of the authenticity of the Mecklenburg Declaration. To confirm their theories and to put upon the market a clever forgery, S. Millington Miller contributed to *Collier's* for July 1, 1905, a facsimile of what purported to be a portion of an issue of the *Cape-Fear Mercury* for June 3, 1775, and alleged that he had found the original among papers left by Andrew Stevenson. This paper is here reproduced from a plate kindly furnished by the Macmillan Company and the editor of the *American Historical Review*. It was proved to be spurious by the friends as well as by the opponents of the Mecklenburg Declaration. The evidence is fully presented in the *American Historical Review* for April, 1906. See also the Columbia (S. C.) *State*, July 30, 1905; The True Mecklenburg "Declaration of Independence," by A. S. Salley, Jr. (Columbia S. C., 1905); the Charlotte (N. C.) *Daily Observer*, Nov. 17, 1905, Jan. 1, 12, 1906; and the *Souvenir Programme* of the celebration of the 131st anniversary of the Mecklenburg Declaration (Charlotte, N. C., 1906), pp. 15-21.

between the three copies.[1] Governor Martin's secretary took little pains to make an accurate transcript of the resolves, as is shown by his egregious errors, and the *Cape-Fear Mercury* was a badly-printed newspaper.[2]

Since only three inclosures, two of which are now with his original letter, are referred to by Governor Martin and noted in the indorsement; since he mentions only one newspaper, and only one is known to have been removed from the Public Record Office, it is clear that this newspaper contained both the Mecklenburg resolves and the reply to the Governor's proclamation made by the committees of the Wilmington district on June 21, 1775. This newspaper was either the *Cape-Fear Mercury* or the *North-Carolina Gazette* of June 23d or June 30th, for the Mecklenburg resolves cannot be found in the *Virginia Gazettes*,[3] and the reply to the proclamation did not appear in the Charleston papers until the first week in July. The *North-Carolina Gazette* may be eliminated, because the Mecklenburg resolves would hardly have been printed both in the issue of June

[1] A copy of this document from the original in the possession of the Earl of Dartmouth will be found in the Appendix. Transcripts and information concerning manuscripts in the Earl of Dartmouth's collection and in the Public Record Office have been obtained from Messrs. B. F. Stevens & Brown, of London, from B. F. Stevens's *Calendar of the MSS. of the Earl of Dartmouth* (*Historical MSS. Commission*, *14th Report*, *Appendix*, Part X.), and from the Bancroft transcripts in the New York Public Library.

[2] Thomas: *History of Printing*, ii, 365.

[3] The *Virginia Gazettes* were examined for the writer by the courtesy of Mr. W. G. Stanard, of the Va. Hist. Soc.

16th and in one of the two next issues, and because Governor Martin was almost entirely cut off from communication with New-Bern. It is most likely, moreover, that the newspaper which Governor Martin spoke of in his address at Fort Johnston on June 25th was not the *North-Carolina Gazette* of June 16th or the *South Carolina Gazette; And Country Journal* of June 13th, neither of which contained the reply to his proclamation, but the newspaper which he inclosed in his letter of June 30th. As the Mecklenburg resolutions are known to have been printed in the *Cape-Fear Mercury*, we may be sure that it was done one week, rather than two weeks, after they appeared in the New-Bern paper. The evidence cited to show that the *Cape-Fear Mercury* of Friday, June 23, 1775 (No. 261), contained the reply of the Wilmington committee to the Governor's proclamation, and the evidence that the newspaper sent in Governor Martin's letter to Lord Dartmouth could have been no other, is conclusive.

Governor Martin's subsequent letters and public papers show that, notwithstanding attempts to prevent his adherents from communicating with him, he was well informed of movements in all parts of the province, but never heard of any other extraordinary manifesto of Mecklenburg County than that of May 31, 1775. If writers on the Mecklenburg Declaration had quoted *all* his statements relative to the publication of the committee of Mecklenburg, other evidence would not have been necessary to identify it.

Governor Martin's dispatch of June 30th was not sent off until after July 6th, when he wrote again to Lord Dartmouth, (Dispatch No. 35), and said[1]: "I have engaged Mr. Alex'r Schaw whom I now have the honor to introduce to your Lordship to charge himself with this Letter and my Dispatch No. 34." Dispatch No. 36, dated July 16th, contains accounts received from Boston "since the departure of Mr. Schaw," it reads, "who was charged with my Dispatches to your Lordship No. 34 and 35, Duplicates of which are herewith inclosed."[2] The manuscript copy of the Mecklenburg resolves went to England, therefore, with these latter dispatches. They were sent off on July 20th with a letter of that date (No. 38) and another written in the meantime, by a passenger in a merchant's ship,[3] who delivered them as their indorsements show, on September 10, 1775. Lord Dartmouth wrote Governor Martin, September 15, 1775: "I have received from the hands of Mr. Burgwine your dispatches numbered 34, 35, 36, 37, and 38, the first two being duplicates, the originals of which you mention to have been trusted to Mr. Schaw, who has not yet appeared."[4]

Alexander Schaw arrived in England in October, 1775. The sole object of his going was to confer with Lord Dartmouth, at the request of Governor Martin and the president of the Council, upon the

[1] *Col. Rec. of N. C.*, x., 70.
[2] *Ibid.*, x., 96.
[3] *Ibid.*, x., 98, 100, 108.
[4] *Ibid.*, x., 247.

plan of military operations intended for North Carolina, which resulted in the battle of Moore's Creek Bridge in February, 1776. Governor Martin was to take personal charge of these operations, and a numerous body of the Scotch Highlanders of the province had engaged to join him. Schaw stated that most of the inhabitants of Wilmington were well affected. His long letters to Lord Dartmouth contain no mention of the Mecklenburg Declaration of Independence, and show that it would certainly have been brought to the Governor's notice if it was ever passed.[1]

On July 18, 1775, a meeting of the Council was held on board the sloop of war *Cruizer*, in the Cape Fear River, which Governor Martin had found to be a safer retreat than Fort Johnston. The Council Journal reads[2]:

> The Governor having informed the Board that he had received advices that the People of the County of Bladen were persuing the Example of the People of Mecklenburg, whose treasonable proceedings he had communicated to the Council at the last meeting [June 25th] desired the advice of the Council on the measures expedient to be taken to counteract such unwarrantable and dangerous extravagancies and to check and prevent the growth of that spirit of disorder which at this time unhappily prevails in a great part of the Province and especially in the County of Mecklenburg and the Counties on the Sea Coasts, particularly evinced by the meetings which have been held among the People for the choice of Military Officers by which they have usurped the undoubted Prerogative of the Crown, and the frequent Assemblings of the

[1] Alexander Schaw to Lord Dartmouth, October 31 and November 8, 1775; Earl of Dartmouth's MSS.

[2] *Col. Rec. of N. C.*, x., 106–107.

People in Arms by the invitation of officers so illegally constituted. . . . . James Hasell [a member of the Council] is of opinion that his Excellency should take every lawfull measure in his power to suppress the unnatural Rebellion now fomenting in Mecklenburg and other parts of the Province in order to overturn the Constitution and His just prerogative.

Governor Martin here speaks of the same "treasonable proceedings" of Mecklenburg to which he had called the attention of the Council on June 25th. Neither the Governor nor the Council had any idea that Mecklenburg County formally declared independence nearly two months before. They knew that Mecklenburg had declared the constitution of the colony wholly suspended, (which the Governor loosely called an entire dissolution on another occasion,) and had usurped the royal prerogative by electing their own civil and military officers. Bladen County, which followed the example of Mecklenburg, has yet to set up a claim for having declared independence.

On the 18th of August, 1775, the governor issued a long and "fiery" proclamation from the *Cruizer*.[1] He states that he has seen in the *Cape-Fear Mercury* the reply of the Wilmington committee to his proclamation of June 16th, which characterized him, he says, as "an Enemy to the Interests of this Province in particular and America in General," and that he has "also seen a most infamous publication in the *Cape-Fear Mercury*

[1] *Col. Rec. of N. C.*, x., 141–151.

importing to be resolves of a set of people stiling themselves a Committee for the County of Mecklenburg most traitorously declaring the entire dissolution of the Laws, Government, and Constitution of this country, and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty's Government." Governor Martin's language can be properly applied to nothing less than a declaration of independence, but he would never have written several descriptions of the alleged declaration of May 20th in which neither the words "independence" or "allegiance" are used. The paper to which the Governor refers, moreover, concerns the laws, government, and constitution of "this country," as does the paper of May 31st, while the supposititious declaration was only a county affair. The Governor mentions publications in two other issues of the *Cape-Fear Mercury*, and gives the dates; but he could not give the date of the publication of either the Mecklenburg resolves or the reply to his proclamation. He probably sent off in his letter of June 30th his only copy of the *Cape-Fear Mercury* of June 23d, and forgot its date. Hence the duplicate letter, enclosing the undated manuscript copy of the Mecklenburg resolves, did not contain the reply to the proclamation, although spoken of at length in the letter.

Governor Martin's last reference to the Mecklenburg resolves is contained in his dispatch of August 28, 1775 (No. 39), to the Earl of Dart-

mouth.[1] It will be remembered that the manuscript copy of the resolves was sent on July 20th with a dispatch of that date (No. 38) and earlier ones. The Governor writes that loyal subjects in the interior have been prevented from communicating with him.

> All of them [he says] who have come down here to consult me about their safety, have been intercepted coming or going, and searched, detained, abused, and stript of any Papers they have had about them except a Messenger from a considerable Body of Germans, settled in the County of Mecklenburg, who brought me a loyal declaration against the Very extraordinary and traitorous resolves of the Committee of that County, of which I had the honor to transmit a copy to your Lordship with my last Dispatches.

Here we have a direct reference by Governor Martin to the manuscript in his duplicate dispatch of June 30, 1775, thus identifying with absolute certainty the Mecklenburg resolves that he spoke of in his letters, his addresses to the Council, and his proclamation. We have also the strongest evidence that the May 31st resolves were not preceded by a declaration of independence, for the Tories of Mecklenburg would not have drawn up a protest against them, rather than against the declaration of eleven days earlier, in order to show their loyalty. The messenger from Mecklenburg told Governor Martin nothing about the earlier declaration. The only conclusion consistent with historical probability is that the paper remembered in Mecklenburg as a declaration of independence,

[1] *Col. Rec. of N. C.*, x., 230–237.

as having been proclaimed before assembled thousands at Charlotte in May, 1775, and as having been widely known in the western part of North Carolina, where Governor Martin's adherents were most numerous, was the paper of May 31, 1775, which the Governor, ignorant of an earlier manifesto of a like import, virtually called a declaration of independence, and denounced as the most extraordinary of "all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced."

The May 31st resolves were also dispatched to England by the royal Governor James Wright, of Georgia, who regarded them in much the same light as did Governor Martin. In a letter to the Earl of Dartmouth, written at Savannah, June 20, 1775, in which he enclosed a copy of the *South-Carolina Gazette; And Country Journal*, of June 13, 1775, Gov. Wright said: "By the inclosed Paper your Lordship will see the extraordinary Resolves of the People in Charlotte Town Mecklenburg County; and I should not be surprized if the same should be done every where else."[1]

Similar expressions from two men who stood high in the ranks of North Carolina patriots are confirmatory. On June 18, 1775, Richard Cogdell, chairman of the committee at New-Bern, transmitted to Richard Caswell, then in attendance on the Con-

[1] Transcript in the Bancroft Collection, N. Y. Pub. Lib. Bancroft noted: "This last Paragraph is in Wright's own hand writing: the former part of the letter being written by a secretary or clerk." Bancroft found the letter and newspaper in London in 1847, where they are still preserved in the Public Record Office.

tinental Congress, the copy of the *North-Carolina Gazette* published in New-Bern on the 16th of the month, which was recently unearthed. He wrote: "you 'l observe the Mecklinburg resolves exceeds all other Committees or the Congress itself. I send you the paper wherein they are inserted." Cogdell had heard of no action of Mecklenburg county approaching a declaration of independence but that of May 31st. On the 27th of June Samuel Johnston, who served as president of the Provincial Congress two months later, wrote Joseph Hewes, another North Carolina delegate at Philadelphia: "Tom Polk, too, is raising a very pretty spirit in the back country (see the newspapers). He has gone a little farther than I would choose to have gone, but perhaps no further than was necessary." [1]

[1] See Appendix.

CHAPTER V

CAPTAIN JACK'S MISSION TO PHILADELPHIA

THE most important circumstance mentioned by Governor Martin in connection with the Mecklenburg resolves of May 31, 1775, stands out prominently in the reminiscences of John McKnitt Alexander, as being associated with the declaration of independence of which he is sponsor. Governor Martin wrote Lord Dartmouth on June 30, 1775, with reference to the May 31st resolves: "A copy of these Resolves I am informed were sent off by express to the Congress at Philadelphia as soon as they were passed in the Committee." On the other hand, John McKnitt Alexander states that the paper of May 20th was sent by express to the Continental Congress, and nearly all who were called upon to corroborate his statements testified that the declaration of independence which they recollected to have heard read in Charlotte on that date, or about that date, was so dispatched. Neither Governor Martin, nor John McKnitt Alexander, nor the witnesses to the meeting at Charlotte in May, 1775, say that two series of

resolutions, adopted eleven days apart, were sent; and it is admitted on all hands that only one man rode express from Charlotte to Philadelphia as bearer of resolves adopted in that month. Here we have most striking proof that the story of the Mecklenburg Declaration of Independence belongs to the May 31st resolves.

Captain James Jack, whom the aged witnesses named as the bearer of the declaration of independence, was solicited in 1819 to state what he knew of the matter. Captain Jack was then in his eighty-eighth year. He could not say with certainty when the declaration was adopted, but had recently seen newspaper articles on the subject. He wrote as follows:

> When the resolutions were finally agreed on, they were publicly proclaimed from the court-house door in the town of Charlotte, and received with every demonstration of joy by the inhabitants.
>
> I was then solicited to be the bearer of the proceedings to Congress. I set out the following month, say June, and in passing through Salisbury, the General Court was sitting—at the request of the court I handed a copy of the resolutions to Col. Kennon, an Attorney, and they were read aloud in open court. Major William Davidson, and Mr. Avery, an attorney, called on me at my lodgings the evening after, and observed, that they heard of but one person, (a Mr. Beard) but approved of them.
>
> I then proceeded on to Philadelphia, and delivered the Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the Delegates to Congress from the State of North-Carolina.

Capt. Jack recalled but one series of resolutions. He states in one place that he bore the "pro-

ceedings" to Congress, but they were the proceedings of only one meeting. From the circumstances attending his journey to Philadelphia it will be seen that he could not possibly have carried a declaration of independence of the 20th of May, 1775. All contemporary testimony points to the paper of May 31st.

The only court held at Salisbury for a month or more after May 20, 1775, was a court of oyer and terminer for the Salisbury district, comprising Mecklenburg, Rowan, and four neighboring counties, which sat from June 1st to June 6th, 1775. This was the "General Court" which was in session when Captain Jack passed through Salisbury.[1] Salisbury was the county seat of Rowan, adjoining Mecklenburg, and forty miles from Charlotte. The significance of the fact that Captain Jack left Charlotte after May 31, 1775, and within six days after, is palpable when we consider that Governor Martin was informed that the May 31st resolves were sent to Philadelphia as soon as they were passed, that the witnesses state that the resolves which they had in mind were sent off a *few* days after their adoption, and that no one tells us that Captain Jack, an "express," tarried two weeks in Charlotte before starting on his mission.

The papers carried by Captain Jack were of such a nature that when publicly read in court at Salisbury during the first week in June, a court held under the King's commission by men who took the

[1] The minutes of the court are printed in the *Col. Rec. of N. C.*, x., 1–9. *Cf.* Adam Brevard's narrative in Wheeler's *Reminiscences of N. C.*, 242.

oath, at the opening of court, for the qualification of crown officers,[1] they met with unanimous approval; of such a nature that, notwithstanding its approval, the court continued to administer justice in the King's name; of such a nature that at a later date staunch Whigs of Salisbury could conscientiously take the oath for the qualification of public officers and hold other courts there under the King's commission[2]; of such a nature, in fine, that a large number of jurors who heard and approved them could sincerely profess their ardent desire for reconciliation with Great Britain a few weeks later as members of committees of safety in neighboring counties.[3] Here may be found a small part of the "accumulation of miracles," as John Adams expressed it, which those who contend that Captain Jack bore a declaration of independence when he passed through Salisbury have never attempted to explain away.

The time of Captain Jack's arrival in Philadelphia is ascertained from a joint certificate given in 1830 by Alphonso Alexander, Amos Alexander, and Dr. Joseph McKnitt Alexander, who state that they

> frequently heard William S. Alexander, dec'd, say that he, the said Wm. S. Alexander, was at Philadelphia on mercantile business in the early part of the summer of 1775, say in June; and that on the day that Gen. Washington left Philadelphia to take command of the Northern army, he, the said Wm. S.

[1] *Col. Rec. of N. C.*, x., 1.
[2] *Ibid.*, x., 139, 435
[3] *Ibid.*, x., 163, 228-229, 296-298, etc.

Alexander, met with Capt. James Jack, who informed him, the said William S. Alexander, that he, the said James Jack, was there as the agent or bearer of the Declaration of Independence made in Charlotte on the twentieth day of May, seventeen hundred and seventy-five, by the citizens of Mecklenburg, then including Cabarrus, with instructions to present the same to the Delegates from North Carolina, and by them to be laid before Congress, and which he said he had done.

General Washington left Philadelphia to take command of the army before Boston on Friday, June 23, 1775.[1] The papers that Captain Jack delivered on that day, or shortly before, to Caswell, Hooper, and Hewes, the North Carolina delegates in the Continental Congress, then in session, are not mentioned in the journal of that body, because of their character, or because, it is said, they were not formally laid before it. Charles Thomson, the secretary, had not yet perfected his method of noting papers and reports coming to the Congress.[2]

Captain Jack found the Continental Congress aiming to act as dutiful subjects contending for their political rights, avowing that in taking up arms the colonies had no wish to dissolve the connection which had so long and happily subsisted, they said,[3] with Great Britain, and sedulously and honestly pursuing a policy of reconciliation. The Congress expressed the feelings of Americans generally. In 1776, Washington wrote: "When I took command of the army, I abhorred the idea of independence."

[1] *Pennsylvania Gazette* June 28, 1775, and *Rivington's New York Gazetteer*, June 29, 1775.

[2] Worthington C. Ford, in *The Nation*, lxxxii, 475.

[3] *Journals of the Continental Congress*, ii. (Ford ed.), 135, 138. Declaration on taking up arms.

It may be safely said that not one member of the Continental Congress would have approved a declaration of independence by Mecklenburg County. The few ardent spirits among its members who favored independence, but dared not as yet to openly advocate it, would have deplored the hasty action of Mecklenburg as a premature step towards independence which would invoke division and ruin. But John McKnitt Alexander, the custodian of the original records of the Mecklenburg committee, tells us that on the return of Captain Jack the committee "learned that their proceedings were individually approved by the Members of Congress [evidently the North Carolina members], but it was deemed premature to lay them before the House. A joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy." It appears from the statements of others who were present in Charlotte at that time that Captain Jack returned answers "both from the President and our Delegates in Congress, expressive of their entire approbation of the course that had been adopted, recommending a continuance in the same; and that the time would soon be, when the whole Continent would follow our example." Rev. Francis Cummins, whose testimony is valuable because he did not refresh his memory by a sight of the Alexander narrative, states that Captain Jack "brought back to the county the thanks of Congress for their zeal, and the advice of Congress to be a little

more patient until Congress should take the measures thought to be best."

These messages to Mecklenburg are in keeping only with the May 31st resolves. In private letters and in public papers Hooper, Hewes, and Caswell expressed their ardent desire for reconciliation in terms which show plainly that they neither saw nor approved a declaration of independence by Mecklenburg county. Joseph Hewes wrote from Philadelphia on July 8, 1775,[1] to his friend James Iredell in North Carolina, that the British ministry "charge us with rebellion because we will not believe that they have a right to make laws to bind us in all cases whatsoever. Strange that we should be deemed rebels for an article of faith,—after all this, they add insult to injury and tell us we are all poltroons and cowards." Hewes would no doubt have thought it far stranger if the injurious charge of rebellion was made on the ground that a large number of his constituents had formally declared independence of Great Britain, a proceeding which is said to have elicited his commendation about two weeks before the date of this letter. William Hooper wrote Iredell from Philadelphia on January 6, 1776[2]: "Yes, Britain, it is the criterion of thy existence; thy greatness totters. Luxury

[1] McRee's *Life and Correspondence of James Iredell*, i., 258.

[2] *Ibid.*, i., 269. Compare this with Hooper's letter of April 26, 1774, as printed in Jones's *Defence of N. C.*, 312-315, in which he says that the colonies "are striding fast to independence, and ere long will build an empire upon the ruin of Great Britain; will adopt its constitution purged of its impurities," etc. His meaning, it appears from his subsequent letter, was that "America must become the *seat* of empire," and that Britain should "sink away in the arms of American sons."

and wealth, with every vice in their train, are hurrying thee down the precipice, and liberty, shuddering at thy fate, in seeking an asylum westward. Oh, heaven! still check her approaching ruin; restore her to the affection of her American subjects. May she long flourish the guardian of freedom, . . . " In the Provincial Congress which met at Hillsboro on August 20, 1775, Hooper drew up an address to the inhabitants of Great Britain in which he said[1]: " We have been told that Independence is our object; that we seek to shake off all connection with the parent State. Cruel suggestion! Do not all our professions, all our actions, uniformly contradict this?" Is it not " cruel," then, to suggest that Mecklenburg county shook off all political connection with the parent State a few months before? In reply to a vote of thanks by the same Provincial Congress for their patriotic and faithful discharge of the trust reposed in them as delegates to the Continental Congress, Hooper, Caswell, and Hewes declared that they had acted with " hearts warmed with a Zealous love of Liberty, and desirous of reconciliation with the parent State upon Terms just and Constitutional."[2] Richard Caswell wrote a circular letter to the town and county committees of North Carolina, dated June 19, 1775, and signed by himself and his two colleagues, in which he urged his constituents to form themselves into militia companies and to be in readiness to resist force by force. He

[1] *Col. Rec. of N. C.*, x., 202; *N. C. Booklet*, July, 1905, v., 54.
[2] *Col. Rec. of N. C.*, x., 189.

said in conclusion: "look to the reigning monarch of Britain as your rightful and lawful sovereign; dare every danger and difficulty in support of his person, crown, and dignity, and consider every man as a Traitor to his King who infringing the Rights of his American Subjects attempts to invade those glorious Revolution principles which placed him on the Throne and must preserve him there."[1] During the last week in June, 1775, Caswell sent copies of this letter to the New-Bern Committee of Safety for distribution in the eastern counties of North Carolina, but copies for the western counties were sent during the same week "by a man," said a member of the New-Bern committee, "who was going from Philadelphia to Mecklenburg county"[2]—in all probability Captain Jack. What advice to men who had absolved themselves from all allegiance to the British crown, from men who approved their conduct!

If Captain Jack delivered a declaration of independence to Hooper, Hewes, and Caswell, it is most improbable that they would or could have concealed the fact during the entire period of their careers in Congress. Caswell served until July, 1775, Hooper, though absent during the debates on independence, until 1777, and Hewes until September, 1776, and in 1779. Captain Jack, moreover, was under no injunction of secrecy. His papers

[1] *Col. Rec. of N. C.*, x., 23. Hewes wrote July 8, 1775, that Caswell drafted the circular letter—*ibid.*, x., 85.

[2] *Ibid.* x., 65, 66, 85. The arrival of the messenger at Salem, N. C., on July 7th, is recorded in a historical sketch written in 1783 by an eye witness and now among the archives of the Moravian church at Bethania, N. C. See the *Wachovia Moravian* (Winston-Salem, N. C.), October, 1906.

were publicly read at Salisbury, and he no doubt revealed their nature to more than one man in Philadelphia besides William S. Alexander. The silence of the North Carolina delegates was enough to convince the "Colossus of Independence," John Adams, that the Mecklenburg resolutions of May 20, 1775, were spurious. Adams wrote a few months after their first publication in 1819[1]: "I was on social, friendly terms with Caswell, Hooper, and Hewes, every moment of their existence in Congress; with Hooper, a Bostonian, and a son of Harvard, intimate and familiar. Yet from neither of the three did the slightest hint of these Mecklenburg resolutions ever escape. Is it possible that such resolutions should have escaped the vigilant attention of the scrutinizing, penetrating minds of Patrick Henry, R. H. Lee, Mr. Jefferson, Mr. Gadsden, Mr. Rutledge, Mr. Jay, Mr. Sherman, Mr. Samuel Adams? *Haud credo.* I cannot believe that they were known to one member of Congress on the 4th of July, 1776." Adams said that he would "as easily believe that a flaming Brand might be thrust into a magazine of Powder without producing an Explosion as that those Resolutions could have passed in 1775 [and] had not been known to any Member of Congress in 1776."[2] "Armed with this bold example," wrote Jefferson to Adams,[3] "would not you have addressed our timid brethren in peals of thunder on their tardy fears? Would not every advocate of

[1] Adams to William Bentley, August 21, 1819, *Works*, x., 383.
[2] Adams to Jefferson, July 28, 1819, *Jefferson MSS.*
[3] Jefferson to Adams, July 9, 1819, *Writings* (Ford ed.), x, 136-139.

independence have rung the glories of Mecklenburg county, in North Carolina, in the ears of the doubting Dickinson and others, who hung so heavily on us? Yet the example of independent Mecklenburg county, in North Carolina, was never once quoted."

Up to this point we have found that nearly every known circumstance attending Captain Jack's journey from Charlotte to Philadelphia, the statements of the North Carolina delegates in the Continental Congress, and the testimony of Adams and Jefferson, are inconsistent with the hypothesis that Captain Jack carried a declaration of independence, and that the proofs relied on to support that hypothesis, considered in the light of contemporaneous testimony, point to the paper of May 31st as the "declaration of independence" which he carried. Adding to this the direct contemporaneous testimony of Governor Martin that the May 31st resolves were sent to Philadelphia, we may conclude from these facts alone that Captain Jack carried those resolves and not the supposititious document of May 20th. The message of the North Carolina delegates to the people of Mecklenburg county, complimenting them upon their zeal in the common cause, but saying that their resolves were premature to be laid before Congress, and advising them, as Francis Cummins says, to be a little more patient until Congress should take the measures thought to be best, thus becomes entirely in keeping with their known political sentiments and with the political situation of the American colonies in the summer of 1775. The "prematureness" of the May 31st resolves and their

important relation to the problem of providing a temporary substitute for the lost authority of civil government during the dispute with Great Britain, a problem which engaged the thoughts of men in many parts of America, have been overlooked or underestimated. In every colony the forms of the prostrate old government were respected; its officers were recognized in their official capacity and permitted to exercise more or less of their authority. By openly approving the May 31st resolves, the Continental Congress was asked to declare that under its direction the Provincial Congress of each colony should assume the powers of government, and that until "the legislative body of Great Britain resign its unjust and arbitrary pretentions with respect to America" no other legislative or executive power did or could exist in any of the colonies. Such a step in June, 1775, would have driven many a sturdy patriot from the Continental Congress. The Suffolk resolves, approved in September, 1774, averred only that obedience should be refused to specified oppressive and unconstitutional acts of Parliament and to officials appointed by or holding their places under those acts or otherwise contrary to the directions of the charter and laws of Massachusetts.[1] The case of Massachusetts was a special one, growing out of acts of Parliament altering the charter and laws of the province. And yet the friends of the Mecklenburg Declaration, claiming for that document the pre-eminence assigned to the May 31st resolves

[1] *Journals of the Cont. Cong.* (Ford ed.), i., 32-37.

by the horrified Governor of North Carolina, and seemingly unaware that these resolves are probably more strongly indicative of a conscious striving for independence than any others of their date, and that they presented for consideration to the Continental Congress a question which no other body of men on the continent was competent to decide, argue that if no other resolves were adopted in Mecklenburg county in May, 1775, "there would have been no reason for transmitting copies post-haste to the Continental Congress, nor would the Thirty-first Resolves, with their comparatively tame resolutions, have elicited from the President of Congress and the North Carolina delegates to Congress the comments ascribed to them."[1]

A few weeks before the arrival of Captain Jack in Philadelphia (June 2, 1775), the Continental Congress was called upon to face the very issue that was brought up by the May 31st resolves by replying to an application of the Provincial Congress of Massachusetts for "most explicit advice respecting the taking up and exercising the powers of civil government." The patriots of Massachusetts stated that they were denied the exercise of civil government according to their charter, that they had declined, though urged by the most pressing necessity, to take up the reins of civil government, as the question equally affected the other colonies, and that they were ready to submit to such a general plan as Congress might propose to all, or would study to form such a government as would promote not

[1] *North American Review*, July, 1905, 50.

only their own advantage, but the union and interest of all America.[1] The Continental Congress decided this case on its special circumstances, avoiding any recommendation that might be construed to suggest that colonies abrogate authority under the crown, and advised Massachusetts to proceed under the charter and choose councillors to "exercise the powers of Government, until a Governor, of his Majesty's appointment, will consent to govern the colony according to its charter."[2] Four months later (October 18, 1775), New Hampshire, which had no charter to fall back upon, and suffered from the absence of authority, asked advice respecting the administration of justice and the regulation of "civil police."[3] The Congress hesitated. Another request of this nature came from the proprietors of Transylvania, who had purchased their lands in what is now Tennessee and Kentucky from the Cherokee Indians; set up a government for themselves, acknowledging, however, "their allegiance to their Sovereign, whose constitutional rights and pre-eminence," they said, "they will support at the risk of their lives"; and sent an agent to Philadelphia with a memorial asking that he be admitted to a seat in the Continental Congress as a delegate from the new colony. The agent, James Hogg, arrived in Philadelphia October 22, 1775, and two days later had an interview with Samuel and John Adams. Although no members of the Congress

[1] *Journals of the Cont. Cong.*, ii., 76–78.
[2] *Ibid.*, ii., 83–84. [3] *Ibid.*, iii., 298.

were more decided on the question of independence, the Adamses told Hogg: "We have petitioned and addressed the King, and have entreated him to point out some mode of accommodation. There seems to be an impropriety in embarrassing our reconciliation with anything new; and the taking under our protection of a body of people who have acted in defiance of the King's proclamations, will be looked on as a confirmation of that independent spirit with which we are daily reproached."[1]

While the application of New Hampshire was under consideration, news of the King's proclamation of August 23, 1775, for suppressing rebellion and sedition, and his contemptuous refusal of the second petition of the Continental Congress, reached Philadelphia. On November 3d, three days after the receipt of this intelligence and one week after the application of New Hampshire was referred to a committee, it was recommended that the Provincial Congress of New Hampshire "call a full and free representation of the people, and establish such a form of goverment, as, in their judgment, will best produce the happiness of the people, and most effectually secure peace and good order in the province during the continuance of the present dispute between G[reat] Britain and the colonies." On the next day, the Congress gave the same advice to South Carolina, and one month later to Virginia. Not until the receipt of the news which, in the words of Bancroft, caused "the daybreak of the

[1] *Col. Rec. of N. C.*, x., 258, 373. John Adams: *Works*, ii., 430.

Revolution," did the popular leaders resolve to aim at independence, and the Continental Congress take the step suggested by Mecklenburg, which was now regarded by all as the first step toward independence.[1] "During the course of my Life, and until after the second Petition of Congress (in 1775)," wrote John Jay, one of its members, in 1821, "I never did hear any American, of any class, or of any Description, express a wish for the Independence of the colonies."[2]

Not only were the Mecklenburg resolves of May 31, 1775, far in advance of political sentiment in the colonies, and therefore not to be approved, but the policy pursued by the Continental Congress in June, 1775, suggested the propriety of giving them as little publicity as possible. When Captain Jack arrived in Philadelphia the second petition to the King, the "Olive Branch," was being prepared. This petition expressed a sincere attachment to the person, family, and government of the King, and a desire for reconciliation.[3] "Our Enemies charge us with Sedition," said the address to the inhabitants of Great Britain, adopted July 8, 1775.[4] "In what does it consist? In our Refusal to submit to unwarrantable Acts of Injustice and Cruelty? If so, shew us a Period in your History, in which you have not been equally Seditious.—We are accused of aiming at Independence; but how is this

[1] Frothingham: *Rise of the Republic*, 443–453; *Journals of the Cont. Cong.*, iii., 319, 326–327, 403–404.

[2] *N. E. Hist. & Gen. Reg.*, xxx., 326.

[3] *Journals of the Cont. Cong.*, ii., 158-161.

[4] *Ibid.*, ii., 166.

Accusation supported? By the Allegations of your Ministers, not by our Actions." The address to the people of Ireland, reported by a committee consisting of Duane, W. Livingston, and the two Adamses, gravely averred[1]: "Though vilified as wanting in spirit, we are determined to behave like men. Though insulted and abused, we wish for reconciliation. Though defamed as seditious, we are ready to obey the laws. And, though charged with rebellion, will cheerfully bleed in defence of our Sovereign in a righteous cause. What more can we say? What more can we offer?" The Mecklenburg resolves were of a different spirit; they bordered too near on independence to comport with the sincerity and truth of the professions of the Continental Congress, and for the success of the petition to the King. It is likely that the North Carolina delegates, while approving the resolves in so far as they concerned Mecklenburg county, thought that it would be politic to keep out of the Philadelphia newspapers—which were the most influential in America and probably the best known in England—the fact that the patriots of Mecklenburg regarded all British laws and commissions as annulled and vacated, and the constitution of each colony suspended. The delegates were no doubt informed by Captain Jack that the resolves had been sent for publication to Charleston and New-Bern, and knew that the Philadelphia papers would speedily copy them. Perhaps Captain Jack left the copy at New-Bern when on his way to Philadelphia. He would have

[1] *Journals of the Cont. Cong.*, ii., 217.

lost little time thereby, and have saved some one a long and laborious journey. At all events, the May 31st resolves were suppressed in Philadelphia.

Six English and two German newspapers were published in Philadelphia in the summer of 1775. The German newspapers have not been found. The three leading papers, all edited by stanch Whigs, copied nearly all the matter printed from original sources in the *South-Carolina Gazette; And Country Journal* of June 13, 1775, and failed to notice the Mecklenburg resolves printed therein. *Dunlap's Pennsylvania Packet, or, the General Advertiser* of July 3, 1775, prints under "South-Carolina, *June* 6," the Association adopted by the Provincial Congress of South Carolina on June 3d, and immediately afterwards, under "June 13," an item of news concerning South Carolina militia word for word as it appeared in the *South-Carolina Gazette; And Country Journal* of June 13, 1775. The dates of these items show that they were not copied from the other South Carolina newspaper, which was published weekly, and on June 2d, 9th, and 16th, and that the issues of the *South-Carolina Gazette; And Country Journal* of June 6th and 13th arrived in Philadelphia at the same time, probably by the regular packet from Charleston. The *Pennsylvania Gazette* of July 5, 1775, prints the Association under "Charles-Town, So. Ca., June 6," and under "June 13" the same item of South Carolina news which was copied by the *Packet;* but the *Gazette* did not copy from the *Packet*, for both the Association and the short item of news

are printed more nearly as they appear in the *South-Carolina Gazette; And Country Journal* than as they appear in the *Packet*. A supplement of the *Pennsylvania Journal; and the Weekly Advertiser*, dated July 5, 1775, prints under "Charles-Town (South Carolina), June 13," *all* the local news in the South Carolina paper of June 13th, only one short item of which was copied by the *Packet* and *Gazette*. The other Charleston paper contained some of the same news, but not in the same words.

The three remaining Philadelphia newspapers printed in English, the *Ledger*, *Mercury*, and *Evening Post*, had been established only a few months, and the little South Carolina news occasionally printed was probably copied in great part from the three leading papers of the city. No articles from the *South Carolina Gazette; And Country Journal* of June 6th or June 13th are to be found in any of them except *Story and Humphreys's Pennsylvania Mercury, and Universal Advertiser* of July 7, 1775, which contains the Association as it appears in the *Gazette*, from which paper it was probably copied. All three of these papers supported the cause of the country, but the printers of the *Ledger* and *Evening Post* subsequently became Tories.

The failure of the Philadelphia papers to copy the Mecklenburg resolves can be accounted for only by the inference that the printers were requested not to copy them. We have found no other newspapers of this period which copied from the *South-Carolina Gazette; And Country Journal* of June 6th

or June 13th and did not copy the resolves which surpassed "all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced." The resolves were copied into New York, Boston, and probably other newspapers. The *New-York Journal; or, the General Advertiser* of June 29, 1775, conducted by John Holt, a warm advocate of the cause of the colonies, copied the Association and several items of local news from the *South-Carolina Gazette; And Country Journal* of June 6th and June 13th, and the preamble and first four Mecklenburg resolves, the balance being summarized. Of the other two New York papers, the *New-York Gazette*; *and the Weekly Mercury* of July 3d copied the Association and Charleston news from the *South-Carolina and American Gazette* of June 9th; and *Rivington's New-York Gazetteer; or, the Connecticut, Hudson's River, New-Jersey, and Quebec Weekly Advertiser* printed no South Carolina news whatever. The *Massachusetts Spy or American Oracle of Liberty* of July 12, 1775, published in Worcester, also copied from the South Carolina papers of June 6th and June 13th, and printed the preamble and first four resolves of Mecklenburg county. The preamble and first four resolves contain their continental features—the "Declaration of Independence"—while the others concern only the internal government of Mecklenburg county.[1]

[1] Newspaper files of the N. Y. Public Library, library of the N. Y. Historical Society, Library of Congress, and Boston Public Library.

CHAPTER VI

THE SALISBURY RECORDS.

If Independence was proclaimed at Charlotte on the 20th of May, 1775, the news would have spread like wildfire through the surrounding country. It would have reached Salisbury, forty miles away, within a day or two later. Salisbury was the county seat of Rowan, and second only to Charlotte in importance among towns of the western part of the province; and the inhabitants of Rowan, and particularly of the town of Salisbury, vied with those of Mecklenburg in energetically supporting the cause of the country. But on the 1st of June, 1775, the patriots of Rowan county, assembled in Salisbury as the "Committee of the County of Rowan," had not heard that the adjacent county declared independence twelve days before. On that day they addressed a letter to the "Committee of the County of Mecklenburg," asking for an interchange of the proceedings of the committees, and concluding with these words[1]: "We beseech you likewise that with us you would lift your Hearts in undissembled prayers to the Disposer of all Events, that He would by his providence interpose against the Counsels of designing Men, that we may have our

[1] *Col. Rec. of N. C.*, x., 11.

Constitution as contained in the Magna Charta, the charter of the forest, the *Habeas Corpus* Act and the charter we brought over with us handed down unsullied to posterity, *and that under God the present House of Hanover in legal succession may be the Defender of it.*" This loyal exhortation could not have been addressed to men who were known to have formally and publicly absolved themselves from allegiance to the Hanoverian king twelve days earlier. On the 1st of June the Rowan Committee also drew up a statement in the name of "his Majesty's Loyal subjects, the Committee of the County of Rowan," in which the committee and the militia companies of the county avowed that it was their duty "to defend the Succession of his present Majesty and the illustrious Hanoverian line—likewise the happy Constitution under which we live, and that it is our Duty to Surrender our lives before our Constitutional privileges to any set of Men upon earth."[1] We are told that after thus protesting their loyalty to the British crown, although determined to resist an oppressive ministry, the patriots of Rowan unanimously approved a formal declaration of independence within a week later, when Captain Jack passed through Salisbury!

While the Rowan committee knew nothing on the 1st of June, 1775, of a declaration of independence publicly proclaimed forty miles away nearly two weeks earlier, they were probably well aware that an order had been issued for an important meeting

[1] *Col. Rec. of N. C.*, x., 10-11.

of the Mecklenburg committee on May 31st. The heading of the published document of May 31, 1775, states that the committee met on that day. This knowledge, perhaps, or the arrival of some one from Charlotte with news of unprecedented doings there, was the occasion of the application to the Mecklenburg committee for an account of its proceedings. Let us change the story of May 19th and 20th to May 31st and June 1st, and see well how the movements of several actors in the story and others warrant the change. Following the Alexander narrative and the testimony of the witnesses, we shall assume that the "delegates" were in session until late in the night of May 31st, at which time the resolves were agreed upon, and that the resolves were read from the court-house steps in the afternoon, according to the testimony of Humphrey Hunter, of the following day.

When the Salisbury district court met at Salisbury on the morning of the 1st of June the sheriffs of all the six counties in the district were present except Thomas Harris, the sheriff of Mecklenburg, who was fined fifty pounds and ordered to show cause for his absence at the next court. But it was not because Mecklenburg county had declared independence twelve days before that Harris did not come. In the course of the day he arrived in court, and returned his *venire*. The committee meeting and militia muster at Charlotte the day before probably detained him, and he set out for Salisbury early on the 1st of June and before the resolves were publicly read. Hence he came to

court ignorant of the fact that Mecklenburg had resolved that the King's courts should no longer administer justice for its inhabitants. The writ returned by Harris shows that he had summoned for jury duty Hezekiah Alexander, Adam Alexander, John McKnitt Alexander, Robert Harris, John McCulloh, Charles Polk, and Aaron Houston. The first three are reputed "signers" of the "Mecklenburg Declaration of Independence." Robert Harris has been named in this relation, but his granddaughter and her husband, who knew him personally, stated that they never understood that he was one of the famous delegates.[1] All of the Mecklenburg jurors except Robert Harris and Charles Polk failed to make their appearance and were fined three pounds each. We may be sure that Harris and Polk would not have heeded the summons of the sheriff if Mecklenburg had declared independence on May 20th. That they, like the sheriff, did not know what measures were adopted at Charlotte late in the night before the opening of the court is indicated by the fact that Charles Polk served on the grand jury empanelled on June 2d. It was Polk's father, according to the story of the 19th and 20th of May, that read the resolutions from the steps of the court-house in Charlotte, which circumstance he would surely have known if it took place on the alleged date. On June 6th, the last day of the court, after Captain Jack's papers had been read

[1] Sketch of Robert Harris in Graham's *The Mecklenburg Declaration of Independence*, 132-134, copied from Lyman C. Draper's manuscript work on the Mecklenburg Declaration, in the possession of the State Historical Society of Wisconsin.

by William Kennon at the instance of the presiding judge, Alexander Martin, a stanch Whig, the fine imposed upon the sheriff of Mecklenburg was remitted. [1]

[1] The minutes of this court are printed in the *Col. Rec. of N. C.*, x., 1-9.

CHAPTER VII

"AN ACCUMULATION OF MIRACLES"

THE acts and declarations of several of the reputed "signers" of the Mecklenburg Declaration of Independence during the period from May 20, 1775, to July 4, 1776, form a very striking part of the "accumulation of miracles" which confronts the orthodox North Carolinian. William Kennon, a lawyer of Salisbury, renowned for an eloquent and effective speech before the meeting at Charlotte on May 20, 1775, and as one of a committee of three appointed to draft the declaration, resumed the practice of his profession in the King's court at Salisbury on June 2, 1775.[1] Waightstill Avery, another who is said to have joined in the Declaration of Independence on the 20th of May, was appointed "Attorney for the Crown," say the Salisbury court records, on August 2, 1775.[2] Every other participant at the famous meeting in Mecklenburg whose attitude toward Great Britain is

[1] *Col. Rec. of N. C.*, x., 5. Kennon was chairman of the Rowan committee at all of its meetings before that of June 1, 1775. It seems that through the influence of John Dunn, a Tory, he was not returned as a member at the election of February, 1775. His ability probably procured him an invitation to a seat in the meeting at Mecklenburg.

[2] *Ibid.* x., 139.

ascertained from contemporaneous records may also be taxed with this infirmity of purpose.

It is very surprising that the records of the courts held at Charlotte between May 20, 1775, and July 4, 1776, have been overlooked by writers who have sought to prove that Mecklenburg county was then severed from all political connection with Great Britain. The justices of the county courts of Mecklenburg during this period were Robert Harris, Abraham Alexander, Robert Irwin, Richard Barry, John Foard, Hezekiah Alexander, and Adam Alexander, and they sat in July and October, 1775, and in January, April, and July, 1776. Although these men are all said to have formally absolved themselves from allegiance to King George III. on the 20th of May, 1775, the minutes and dockets of their courts show that they administered justice in the King's name. The criminal dockets are uniformly marked "Crown Causes," and generally signed by three or more of these alleged "signers" of the Mecklenburg Declaration. The following is extracted from the minutes of the court held so late as July, 1776:

> Joshua Jennings being cited to appear before the court, came and was bound in the sum of £100. Henry Sadler his surity bound in the sum of £50, to be void on condition that said Jennings keep the peace to all his Majesty's leige subjects and particularly to John Shields.
>
> Ordered by the court that the several dockets stand continued from July sessions to October sessions, with all rules and orders thereon, viz:—The tryal, execution, crown and appearance dockets as they were at January sessions 1776.

Such entries upon the minutes and dockets of

the courts of Mecklenburg were not discontinued until after July, 1776. When the county court rose in July the news of the passage of the Declaration of Independence at Philadelphia on the 4th of the month had not reached the justices, and they consequently provided for the hearing of pleas of the crown at the usual October session. That session was never held, however, as by that time the justices had learned that they were no longer "his Majesty's leige subjects." On the page in the docket book in direct continuation from entries of three "New Crown Causes to January session, A. D. 1776" (meaning 1777), comes "State of North Carolina Causes to July session, 1777." The promulgators of the Mecklenburg resolves of May 31, 1775, declared all royal authority to be suspended, but not that their allegiance to the crown was dissolved.[1]

In the Provincial Congress which met at Hillsboro August 20, 1775, Mecklenburg county was represented by Thomas Polk, the prime mover of the alleged declaration, John McKnitt Alexander, John Phifer, Waightstill Avery, Samuel Martin, and James Houston, all reputed "signers" except the two last named. William Kennon took his seat as a delegate from Rowan. On the first day of its session the Congress appointed a committee to prepare a "Test" to be signed by all members.[2]

[1] The facts concerning the records at Charlotte were obtained from Mr. A. S. Salley, Jr., of Columbia, S. C., and from Prof. John Spencer Bassett's report on North Carolina archives in the *Annual Report of the American Historical Association for 1894*, 609–611.

[2] *Col. Rec. of N. C.*, x., 169.

The "Test" was reported, approved, and signed on August 23d. It ran as follows:

We the Subscribers professing our Allegiance to the King, and acknowledging the Constitutional executive power of Government, do solemnly profess, testifie and declare that we do absolutely believe that neither the Parliament of Great Britain, nor any Member or Constituent Branch thereof, have a right to impose Taxes upon these Colonies to regulate the internal policy thereof; and that all attempts by fraud or force to establish and exercise such Claims and powers are violations of the peace and Security of the people and ought to be resisted to the utmost; and that the people of this province, singly and collectively, are bound by the Acts and resolutions of the Continental and the Provincial Congresses, because in both they are freely represented by persons chosen by themselves; and we do solemnly and sincerely promise and engage, under the Sanction of virtue, Honor, and the Sacred love of Liberty and our Country, to maintain and Support all and every the Acts, Resolutions and Regulations, of the said Continental and Provincial Congresses, to the utmost of our power and abilities. In Testimony whereof, we have hereto set our Hands this 23d August 1775.

To this "Test of Loyalty and Patriotism" the five men who are said to have pledged their mutual co-operation, their lives, their fortunes, and their sacred honor, on May 20th, to maintain a declaration of independence subscribed their names on August 23d.[1]

Thomas Polk and William Kennon were members of a committee appointed by the Congress to prepare a plan "for the Internal peace, order and safety" of the province,[2] the report of which was

[1] *Col Rec. of N. C.*, x., 171–173. The original manuscript Journal containing their signatures to the test is in the Boston Pub. Lib. The test is here reproduced from it.

[2] *Ibid.*, x, 175.

considered and adopted September 10, 1775.[1] They recommended that a Provincial Council, a Committee of Safety in every district, and a committee in every county be established, and that every member of any of these bodies, every member of a future Provincial Congress, and every person who voted for members of any of these bodies should repeat and subscribe the above test. Independent Mecklenburg county was not excepted. Wherever contemporaneous records are extant we find that the test was actually subscribed. The Mecklenburg member in the Committee of Safety for the Salisbury district was Hezekiah Alexander, a putative "signer" of the Mecklenburg Declaration.[2] Waightstill Avery, as a member of the Provincial Council, again subscribed the test on October 19, 1775, December 18, 1775, and February 28, 1776, and John Phifer, John McKnitt Alexander, and Robert Irwin, still another "signer," subscribed it in the Provincial Congress as late as April 4, 1776.[3]

On September 4, 1775, the Congress declared, after due consideration, that Franklin's plan for a confederation of the colonies was "not at present Eligible," and "That the present Association ought to be further relied on for bringing about a reconciliation with the parent State, and a further Confederacy ought only to be adopted in Case of the last necessity."[4] The Articles of American Association, of October, 1774, had been and were still being signed by all persons under penalty of being

[1] *Col. Rec. of N. C.*, x., 208-214.
[2] *Ibid.*, x., 215.
[3] *Ibid.*, x., 284,349, 470, 502.
[4] *Ibid.*, x., 175, 192.

shut off from intercourse with those friendly to the cause of the colonies.[1] The Congress resolved that the new local committees that were to be formed should superintend their observance.[2] These articles acknowledged allegiance to the British Crown, yet the following document shows that they were signed in Mecklenburg, as in other parts of the province, long after May, 1775:

> North Carolina, Mecklenburg County, } November 28, 1775. }
>
> These may certify to all whom they may concern, that the bearer hereof, William Henderson, is allowed here to be a true friend to liberty, and signed the Association.
>
> Certified by Abr'm Alexander, *Chairman of the Committee of P. S.*[3]

Here Abraham Alexander, who is said to have been chairman of the meeting at which independence was declared in Mecklenburg on May 20, 1775, testifies over his own signature five months later that one who professed to be a loyal subject of George III. was "allowed" in Mecklenburg "to be a true friend to liberty"!

On September 8, 1775, "Mr. [William] Hooper," reads the Journal of the Congress,[4] "laid before the house an Address to the Inhabitants of the British Empire; and the same being read, was unanimously

[1] *Col. Rec. of N. C.*, x., 125, 297, etc. [2] *Ibid.*, x., 171, 213.

[3] State Pamphlet; see Appendix. It may be noted here that the "Instructions for the Delegates of Mecklenburg County" which are printed under date of September 1, 1775, in Foote's *Sketches of N. C.*, 70-73, Wheeler's *History of N. C.*, ii., 260-262, and the *Col. Rec. of N. C.*, x., 239-242, should bear the date of September 1, 1776. D. L. Swain to B. J. Lossing, Bancroft, MSS., N. Y. Pub. Lib. Swain had the original MS.

[4] *Col. Rec. of N. C.*, x., 201-202.

received, . . . " In this address, drafted by an alleged supporter of the Mecklenburg Declaration of Independence, five alleged authors of that Declaration united with their associates in the Provincial Congress in declaring:

To enjoy the Fruits of our own honest Industry; to call that our own which we earn with the labour of our hands and the sweat of our Brows; to regulate that internal policy by which we and not they [the British ministers] are to be affected; these are the mighty Boons we ask. And Traitors, Rebels, and every harsh appellation that Malice can dictate or the Virulence of language express, are the returns which we receive to the most humble Petitions and earnest supplications. *We have been told that Independence is our object;* that we seek to shake off all connection with the parent State. *Cruel Suggestion! Do not all our professions, all our actions, uniformly contradict this?*

We again declare, and *we invoke that Almighty Being who searches the Recesses of the human heart and knows our most secret Intentions*, that it is our most earnest wish and prayer to be restored with the other United Colonies, to the State in which we and they were placed before the year 1763, . . .

But the authors of the Mecklenburg resolves of May 31, 1775, could consistently give their assent to the address. The address continues:

Whenever we have departed from the Forms of the Constitution, our own safety and self-preservation have dictated the expedient; . . . As soon as the cause of our Fears and Apprehensions are removed, with joy will we return these powers to their regular channels; and such *Institutions formed from mere necessity, shall end with that necessity that created them.* . . . This declaration we hold forth as a Testimony of Loyalty to our Sovereign, and Affection to our parent State, and *as a sincere earnest of our present and future intentions.*

Dr. George W. Graham, the leading exponent of the arguments for the authenticity of the Mecklenburg Declaration, would explain away some of these inconsistent acts and declarations of its alleged authors by admitting the insincerity of their professions.[1] He argues that signers of the Mecklenburg Declaration could consistently sign the test adopted by the Hillsboro Congress, because, "Saving the first two lines, probably thrown in for the sake of the scrupulous or disaffected members of the Provincial Congress, this test contains an emphatic denial of all authority of Parliament over the Colonies," and, "as the last paragraph of the test, like the codicil to a will, annulled all conflicting clauses, the delegates, as their proceedings prove, considered themselves bound only by that." Not by the greatest stretch of imagination can the test be thus interpreted. It denies only the right of a Parliament in which the colonies were not represented (according to the American theory of representation) "*to impose taxes upon these colonies to regulate the internal policy thereof*"; and it contains nothing which conflicts with a profession of allegiance to the King and an acknowledgment of the constitutional executive power of his government. Like the address to the inhabitants of Great Britain, which elaborately defines the position of the Hillsboro Congress, it enunciates the great principle for which the colonies were contending, and in contending for which, even when forced to take up arms and to assume control of

[1] *The Mecklenburg Declaration*, 63–79.

civil affairs, the popular leaders considered the British ministers, not themselves, to be disloyal to the British Constitution. But, failing to take into account the known sentiments which prompted men outside of North Carolina to like actions, Dr. Graham holds that the assembling of the Hillsboro Congress in disobedience to a furious proclamation of Governor Martin, its orders for the enlistment of troops, and its adoption of other measures "inimical," he says, "to the King and Parliament," show that that body was composed of men who had cast off their allegiance to the King, in spite of their professions to the contrary, and that it was therefore a proper place for "signers" of the Mecklenburg Declaration. He claims also that when the Hillsboro Congress adopted its plan "for the internal peace, order and safety" of the province, it entirely severed North Carolina from the mother country. For the same reasons, the American Tories, the British Government, and the older British historians treated the course of the Continental Congress as a piece of dissimulation. But the sincerity of the professions of the popular party may be tested by statements of men of sterling integrity too numerous and too familiar to be cited here. "When the Barons at Runnymede, surrounded by their armed retainers, wrested from King John the Great Charter, they meant not to renounce their allegiance, but simply to preserve the old government. . . . So the popular leaders, in their attitude of armed resistance, were loyal to what they conceived

to be essential to American liberty."[1] We have not to rely upon public professions of the popular party in North Carolina to prove that there, as in the other colonies, the idea of independence was of sudden growth; that the old affection for the mother country was not at once effaced by civil war, and that reconciliation was the aim of the Hillsboro Congress. The following statements of men who had an intimate knowledge of the affairs of the province are proof of all this, and a new "accumulation of miracles" for the advocates of the authenticity of the Mecklenburg Declaration.

On July 31, 1775, two months after the alleged promulgation of the Mecklenburg Declaration of Independence, "a gentleman in North Carolina and one of the Delegates of the Congress," apparently Joseph Hewes, wrote in a private letter from Edenton[2]:

> We do not want to be independent; we want no revolution, unless a change of Ministry and measures would be deemed such. We are loyal subjects to our present most gracious Sovereign in support of whose crown and dignity we would sacrifice our lives, and willingly launch out every shilling of our property, he only defending our liberties. . . . We can vouch for the loyalty of every one in this part of the province.

The writer was probably unwilling to vouch for the loyalty of every one in the province because of the independent spirit of the Mecklenburg resolves of May 31, 1775. He certainly had not heard that

[1] Frothingham, *Rise of the Republic*, 438.
[2] *Col. Rec. of N. C.*, x., 123.

the leading county of western North Carolina had formally declared independence.

On September 17, 1775, Thomas McKnight, a lukewarm friend to the American cause, if not a Tory, wrote[1] from his home in Belville, N. C., to Samuel Johnston, President of the Hillsboro Congress, which had risen a week previously, and enclosed extracts from an intercepted letter of John Adams to Joseph Warren.

> Should you however believe the letter to be genuine, as I firmly do [he wrote], it may incline you to examine the truth of my suspicions, that there is, and has been from the beginning of the dispute, a fixed design in some peoples breasts to throw off every connection with G. [reat] B. [ritain] and to act for the future as totally independant; now however suitable this may be to the Northern provinces, I cannot think it adapted to our circumstances—but notwithstanding *I am convinced no such designs are harboured in this province*, I cannot help thinking we are gradually and step by step drawn in to second them as effectually as if we had been originally concerned in the plan.

Here was a man of prominence in North Carolina politics who had not heard as late as September, 1775, that one person in the province, much less a whole county, even desired independence!

In a letter to Lord Dartmouth, dated October 16, 1775, Governor Josiah Martin expressed his pleasure in seeing that there was "temper and moderation enough" in the Hillsboro Congress to reject for the present Franklin's plan of a confederation of united colonies, and stated that this paper "like

[1] *Col. Rec. of N. C.*, x., 249–251.

many of the publications of the Continental Congress has so much of the appearance of system and breathes so strongly the spirit of independence that with the best inclinations to construe the designs of the Leaders of American Politics in the most favorable and liberal manner it is difficult for the most impartial and unprejudiced mind to believe their uniform professions and declarations against any views of that nature, it is nevertheless far from me and my intentions to judge them. *Heaven knows what are the real views of them at large!*" Is it possible that Mecklenburg county declared independence in May, 1775, and that the people of the adjacent counties approved that declaration, if, five months later, the royal governor of North Carolina was ignorant of the views of the people of the province on the subject of independence? Governor Martin said that the people seemed "generally united on the points of opposition to Britain."[1]

As late as February 11, 1776, after the idea of independence had taken root in the colonies, Joseph Hewes, one of the North Carolina delegates to the Continental Congress, did not know whether his constituents had yet given up hope of reconciliation with the mother country. On that date he wrote from Philadelphia to Samuel Johnston in North Carolina, and sent as a "Curiosity" a copy of Thomas Paine's *Common Sense*, advocating a separation from Great Britain, which had been published in Philadelphia about a month before. He said that he and his colleagues from North Carolina sent

[1] *Col. Rec. of N. C.*, x., 268-270.

no copies of the pamphlet by a wagon of military supplies destined for the province because they did not know how the people there "might relish independency."[1]

James Iredell of Edenton, an associate justice of the Supreme Court of the United States during Washington's administration, was an eyewitness of the course of events in North Carolina during the Revolutionary period. His correspondence was courted by the ablest men of the province, yet it contains not a word of so important an event as a declaration of independence by Mecklenburg county. From an essay dated June, 1776, which is believed to have had a very extended circulation among prominent men of North Carolina, passing in manuscript from hand to hand, we extract the following testimony of Iredell[2]:

I avoid the unhappy subject of the day, *independency*. There was a time very lately, within my recollection, when neither myself nor any person I know, could hear the name but with horror. I know it is a favorite argument against us, and that on which the proceedings of Parliament are most plausibly founded, that this has been our aim since the beginning, and all other attempts were a cloak and disguise to this principal one. If this supposition had been well founded, and a desire of redressing the grievances we complained of been entertained by government, they might immediately, by granting these, have detected and disappointed the other, or covered us with eternal disgrace, if we avowed it. But it is sufficient to say, our professions have been all solemnly to the contrary; *we have never taken any one step which really indicated such a view;*[3]

[1] *Col. Rec. of N. C.*, x., 447.

[2] McRee's *Life and Correspondence of James Iredell*, i, 321—322.

[3] The italics are the present author's.

its suggestion has no better foundation than *mere suspicion*, which might countenance any falsehood whatever, and every man in America knows that this is one of the most egregious *falsehoods* ever any people were duped with.

In another manuscript pamphlet, addressed to the King of Great Britain, bearing date, March, 1777, Iredell again replied to the above charge as follows: [1]

I do aver the charge to be *false*, and dare appeal to the great Searcher of all hearts for the truth of my present declaration. I have resided many years in America; I have had the honor of a personal intimacy with several of the most considerable characters, and firmest patriots in it; I have had many interesting and confidential conversations with them upon this great and affecting subject. I know well the general sentiments of the people at large. When this unhappy controversy first began, and *until very near the time when the arbitrary obstinacy of your conduct left us no other alternative than indefinite submission* [2] to your will, or unreserved resistance to your power, I never heard a man speak on the subject of *independence*, who did not speak of it with aborrence and indignation, and place the hope of all his felicity in a happy and honorable reconcilation with Great Britain.

This completes our study of the Mecklenburg Declaration of Independence in the light of contemporaneous testimony. We have learned that researches during a period of nearly a century have failed to produce a single item of contemporaneous evidence of so remarkable an event as a declaration of independence by Mecklenburg county on the 20th of May, 1775. Voluminous contemporaneous records are not merely silent concerning it; they tell us that for several months after the date on

[1] McRee's *Life and Correspondence of James Iredell*, i, 344.

[2] This passage is not italicised in the original.

which the declaration is alleged to have been proclaimed, amid the joyous shouts of assembled thousands, there was not even a conscious striving for independence perceptible in North Carolina. The statements of the royal governor, Josiah Martin, and of other well-informed men, prove that they knew nothing of the supposed declaration of independence. The subsequent acts and declarations of reputed authors and supporters of the declaration are inconsistent with it, and if the document be authentic, they fix an ineffaceable stigma to their characters. Our investigations have also revealed the fact that a document similar in many of its terms to the document of May 20, 1775, and easily mistaken for a declaration of independence, was adopted in Mecklenburg county on May 31, 1775. This document is entirely inconsistent with the declaration of eleven days earlier. It was published in every city in the Carolinas where there were newspapers, copied into New York and Boston newspapers, and suppressed in Philadelphia, because it was "premature," Governor Martin virtually called it a declaration of independence. Our researches have shown that the most significant facts and circumstances in the story of the Mecklenburg Declaration of Independence are peculiar to the May 31st resolves, and that all the evidence which is cited in support of the authenticity of the Mecklenburg Declaration should therefore be understood as relating to the May 31st resolves. At every step in our examination of contemporaneous testimony we have

found it to conflict with the testimony of those who say, on the strength of memory, hearsay, or assumption, that Mecklenburg county declared independence on the 20th of May, 1775.

CHAPTER VIII

ORIGIN OF THE MYTH

HOWEVER manifest may be the inconsistency of a declaration of independence by the people of Mecklenburg county on the 20th of May, 1775, with their resolves of May 31, 1775, and contemporaneous testimony, the time-honored and patriotic belief in the event that prevails in North Carolina will never be entirely dispelled until the common error of many men in believing that they heard a declaration of independence read at Charlotte in 1775 is more satisfactorily explained, and the existence of several documents purporting to contain the text of that declaration, which are very unlike the document which we affirm to be their prototype, is accounted for. An attempt will be made to trace the origin and genesis of the erroneous belief that the Mecklenburg resolves of May 31, 1775, constituted a declaration of independence; to show that a quarter century after their promulgation a member of the body that adopted them endeavored to recall their date and salient features; and that from the rough notes he jotted down sprang every version of the supposititious paper of May 20th.

The nature of the May 31st resolves and their relation to the political situation in the colonies at the time of their adoption have been treated. All British authority and forms of government were declared to be suspended, and a county government set up until another should be provided by the Provincial or Continental Congresses, or until Great Britain should abandon her arbitrary policy towards the colonies. It was ordained that officers appointed under the resolves should hold and exercise their authority by virtue of popular choice and "independent of the crown of Great Britain and former constitution of this province," and that whatever person should thereafter receive a commission from the crown, or attempt to exercise any such commission theretofore received, should be deemed "an enemy to his country," and summarily dealt with. This was in some degree a declaration of independence—what might be termed a declaration of temporary independence. No profession of allegiance or the slightest indication of a desire for reconciliation with the mother country, which appear in nearly all other contemporaneous papers of its kind, are to be found in the Mecklenburg manifesto; and the clause implying a possibility of a future adjustment of political relations is itself an opprobrious affront to British authority. So independent in spirit are these resolves that from the time when Peter Force announced their discovery, in 1838, to the present day, they have, after due consideration, been repeatedly called a declaration of independence. Peter Force describes them as

"a general Declaration of Independence of all the Colonies."[1] William H. Foote says, in his *Sketches of North Carolina*, that in the May 31st resolves "independence is asserted in language as strong as in the paper of the 20th."[2] Foote devotes a large portion of his volume to the Mecklenburg Declaration. An article in the *New York Times* of February 2, 1853, signed "North Carolina," which evinces a familiarity with the question under discussion, takes this view of the matter: "That the patriots of Mecklenburg did make a formal Declaration of Independence in May, 1775, no fair man can doubt. The only question is, was it done by the paper of the 20th of May or by that of the 30th?" Benson J. Lossing prints the May 31st resolves in his *Pictorial Field Book of the Revolution* as the "Mecklenburg Declaration of Independence."[3] After a review of the evidence cited in support of the paper of May 20th, he concludes that its genuineness is "a question of minor historical importance, since the great fact is established beyond cavil, that more than a year previous to the promulgation of the Federal Declaration the people of Mecklenburg declared their entire independence of the British crown, and, in pursuance of that declaration, organized a civil government." John H. Wheeler, the North Carolina historian, whose writings on the mooted question cover a period of forty years, said in one of his last con-

[1] *Daily National Intelligencer*, December 18, 1838.
[2] *Sketches of N. C.* (1846), 208.
[3] 1852 ed., ii, 617–623.

tributions to the history of the subject:[1] "Both without doubt were passed. Either settles the fact that the people of Mecklenburg boldly pronounced their independence in advance of any other State, and more than a year in advance of the United States." A recent history of Mecklenburg county claims that some writers "have not noted the fact that the Declaration of May 20 declared the independence of Mecklenburg county, and that the Resolves of May 31 proclaimed the independence of the United Colonies."[2] One of the best histories of North Carolina says[3]: "The substance of the whole controversy touching the authenticity of the Mecklenburg Declaration is then, after all, at best but frivolous. If they did not renounce the King and his agents on May 20th, they certainly did on the 31st." Romulus M. Saunders, a diligent investigator, came to the same conclusion. "Such, too," he wrote in 1852,[4] "is the opinion of an eminent American author, Jared Sparks, who says he 'does not consider the point (as to the authenticity of the resolutions of the 20th May,) as of much importance, as the last resolves (31st May) do not differ much in substance and spirit from the other paper.'" George Bancroft describes the circumstances attending the adoption of the May 31st resolves, applying the story of the 19th and 20th of May to those

[1] *Our Living and Our Dead*, i., 426 (January, 1875).

[2] D. A. Tompkins: *History of Mecklenburg County and the City of Charlotte from 1740 to 1903*, ii., 8.

[3] J. W. Moore: *History of N. C.*, i., 189–190.

[4] *Address delivered before the two literary societies of Wake Forest College, June 9, 1852, by Hon. Romulus M. Saunders*, 28–29.

resolves, and says,[1] "Thus was Mecklenburg county in North Carolina separated from the British Empire, . . ." One of the most striking illustrations of misapprehension as to the import of the May 31st resolves is afforded by the action of public-spirited citizens of Philadelphia, who published them in a handsomely-printed broadside in 1875, in commemoration of the centennial anniversary of their adoption, as "The First Declaration of American Independence."[2] So independent in spirit are these resolves that the advocates of the document of May 20th have long contended that they might well have followed a declaration of independence.

We have seen that the Mecklenburg resolves of May 31st, 1775, anticipated the advice of the Continental Congress to New Hampshire (November 3, 1775), South Carolina (November 4, 1775), and Virginia (December 4, 1775), to form temporary local governments. Some idea of how Mecklenburgers regarded their precursive step during the thirteen months before July 4, 1776, may be inferred from public opinion concerning this advice at the time it was given. In each instance Congress recommended only that these colonies "establish such a form of government as, in their judgment, will best produce the happiness of the people, and most effectually secure peace and good order in the province, *during the continuance of the present dispute between Great Britain and the colonies.*"[3] But

[1] *History of the U. S.*, vii., 371.

[2] "X" (Prof. Charles Phillips) in the N. Y. *Evening Post*, May 19, 1875.

[3] *Journals of the Continental Congress*, iii., 319, 326, 403.

the formation of local governments was looked upon by Whigs and Tories as equivalent to revolution and a step towards a declaration of independence.[1] It roused into activity the opponents of independence. Shortly after it was given the assemblies of Pennsylvania, Maryland, New Jersey, New York, and Delaware instructed their delegates in the Continental Congress to oppose independence. "We strictly enjoin you," said the Pennsylvania Assembly (November 9, 1775), "that you, in behalf of this colony, dissent from and utterly reject any propositions, should such be made, that may cause or lead to a separation from our mother country *or a change of the form of this government.*" The New Jersey Assembly used nearly the same language, including the phrase respecting a change in the form of the government of the colony.[2] When the advice to form a temporary local government reached New Hampshire, it was inferred that the Continental Congress was in favor of independence, and the delegates from the town of Portsmouth to the Provincial Congress of New Hampshire were instructed by their constituents to oppose the formation of a local government on the ground that it would furnish their enemies "with arguments to persuade the good people there that we are aiming at independency, which we totally disavow."[3] In the Provincial Congress of South Carolina, William Henry Drayton, the president, spoke of the recom-

[1] Frothingham: *Rise of the Republic*, 448.
[2] *Ibid.*, 465–467.
[3] *Ibid.*, 467, 493.

mendation of the Continental Congress as "permission granted to colonies to erect forms of government independent of and in opposition to the regal authority." Of the action of South Carolina on this recommendation, David Ramsay, an eyewitness, wrote: "The formation of an independent constitution had so much the appearance of an eternal separation from a country by a reconciliation with which many yet hoped for a return of ancient happiness, that a great part of the Provincial Congress opposed the measure. The Act of Parliament of December 21, throwing the colonies out of protection, turned the scale." [1] In Virginia also the advice of Congress in December, 1775, to form a government was regarded as being in the direction of independence, if not independence itself, and was not immediately acted upon.[2]

Since intelligent critics of our own day, with the document itself before them, have interpreted the May 31st resolves as a declaration of independence; since all concede that it was such in effect, and since the position it took was regarded elsewhere in 1775 as equivalent to independence, it is easily understood how the people of Mecklenburg could believe, after the colonies had formally renounced allegiance to the British crown, that they had been the first to take that step. They recalled the great fact that they had been first to cut loose from dependence on the mother country, and not the form of the instrument by which it was done.

[1] Frothingham: *Rise of the Republic*, 494.
[2] *Ibid.*, 508.

From the moment that they declared that "the Provincial Congress of each province, under the direction of the Great Continental Congress, is invested with all legislative and executive powers within their respective provinces; and that no other legislative or executive power does, or can exist, at this time, in any of these colonies," British law and authority ceased forever in Mecklenburg county. The result was the same as if absolute independence had been declared. It would, indeed, have been remarkable if many men in Mecklenburg who were not particular in the use of terms, including some members of the committee that adopted them, did not come to call the May 31st resolves a declaration of independence. The provisional character of the document is indicated by little more than a brief resolution in a series of twenty, and nearly all of the aged witnesses who testified in later years that it was a declaration of independence heard it read but once, from the steps of the court-house. If Governor Martin, like the writers of later days, failed to note their provisional character in 1775, we may be sure that many men of less critical acumen in Mecklenburg failed to remember it after July 4, 1776. Governor Martin's public denunciation of the resolves as "most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, and setting up a system of rule and regulation repugnant to the laws and subversive of his Majesty's government," was sufficient in itself to promote popular misapprehension. Another potent source

of error was the knowledge that the resolves had been too far in advance of public sentiment to receive the sanction of the Continental Congress, a fact which was remembered years afterwards by men who forgot nearly all other details; for many survivors of Revolutionary days erroneously believed in later years—as even John Adams, it would seem, believed in 1819—that "the genuine sense of America" was for independence as early as May, 1775. Finally there entered the elements of local pride and patriotism to magnify the great event of 1775.

In view of these facts, we may reasonably presume that after July 4, 1776, the May 31st resolves were loosely called a declaration of independence by many persons, and that in the course of time, as their phraseology and terms were forgotten, and the number of their surviving authors diminished, they were looked back upon in Mecklenburg county generally, and to some extent in the surrounding section of country, as a formal declaration of independence. In the light of our study of the records of 1775 in their relation to the May 31st resolves, and to the story of the "Mecklenburg Declaration of Independence," this supposition becomes a certainty. But demonstration of the genesis of the myth is asked for. This may now be attained in some degree with the aid of several items of evidence dating from 1777 and onward, which the friends of the declaration of May 20, 1775, have lately unearthed, and which contain what they regard as explicit references to that document. In

the absence of such records, it has heretofore been argued with much force that the Mecklenburg Declaration was never heard of prior to its publication in 1819, which precipitated the century-old dispute. The newly-found evidence establishes the fact that, as early as 1783, at least, persons in Mecklenburg county and the vicinity believed that independence was declared at Charlotte in 1775; but, standing by itself, it gives little or no help in determining the identity of the declaration referred to. It is a part of our duty to show only that if these records be genuine and refer to one of the manifestoes in question, the references would as easily or more aptly apply to the May 31st resolves as to the alleged declaration of independence.

The earliest indication of a declaration of independence by Mecklenburg county is contained in a poem which is said to have been written in 1777 by Adam Brevard, a brother of Ephraim Brevard, the reputed author of the document of May 20, 1775. The original manuscript is said to have been once in the possession of David L. Swain, of North Carolina, who wrote to George Bancroft, March 18, 1858, as follows:[1]

"There is no document which fixes with certainty the date of the first meeting in Mecklenburg, nor with the exception of a series of doggerel verses, which have recently come into my possession, is there any paper containing a a [*sic*] direct reference to the subject, which I suppose to be of earlier date than Sept. 1800. . . . The poem to which I

[1] From the original letter in the Bancroft MSS., N. Y. Public Library.

refer above, bears date 18 March 1777, extends through 260 lines, and is of unquestionable authenticity. It opens as follows:

'THE MECKLENBURG CENSOR

'When Mecklenburgs fantastic rabble
Renowned for censure, scold and gabble
In Charlotte met in giddy council
To lay the Constitutions ground-sill
By choosing men both learned and wise
Who clearly could with half shut eyes
See mill-stones through or spy a plot
Whether existed such or not
Who always could at noon define
Whether the sun or moon did shine
And by philosophy tell whether
It was dark or sunny weather
And sometimes when their wits were nice
Could well distinguish men from mice
First to withdraw from British trust
In Congress they the very first
Their independence they declared.'
. . . . . "

This paper was lost, we believe, when Governor Swain's collections were scattered after his death in 1868. We have found no further mention of it in his correspondence and nothing which justifies the belief that he ever had the original poem or a genuine copy of it in his possession. The researches of Mr. A. S. Salley, Jr., secretary of the Historical Commission of South Carolina, have brought to light what would seem to be conclusive evidence that the last three lines of the passage quoted above, which refer to a declaration of independence, did not belong to the original poem, but were fraudulently added by some early advocate of the authenticity of the Mecklenburg Declaration. In an

article contributed to the Charleston *Sunday News* of April, 22, 1906, Mr. Salley reproduced from a manuscript which he found in the Charleston Library an apparently full copy of the poem and an explanatory preface by "The Editor," dated March 30, 1777, with which it was first published. This copy was transcribed and annotated in 1777, by a resident of Mecklenburg county, of which fact the annotations bear indisputable internal evidence. It is entitled, "A Modern Poem by The Mecklenburg Censor, Published A. D. 1777," and has 246 lines. The first fourteen lines differ from the Swain copy, in several particulars of verbiage, and the poem does not contain the three all-important lines which appear next in order in the Swain copy, or anything that can be construed to have reference to events of May, 1775. The poem itself and the contemporaneous introduction and footnotes, both of which evince an intimate knowledge of men and events in Mecklenburg county referred to by "The Censor," show that the whole semi-satirical piece dealt with an election which took place at Charlotte in November, 1776, and that the three lines in question do not consist with the accompanying text.[1]

Whether or not the poem written by the "Mecklenburg Censor," in 1777, did make the statement

[1] The lines of the poem unearthed by Mr. Salley which immediately follow the fourteenth line of the Swain copy are:

(1) "Squire Subtle then to Sulky came,
(2) Sulky a lawyer mean in fame.
'Sulky,' he said, 'my friend, pray hear,
'I 've things important for your ear.
'D 'ye mark yon silly rabble rout?
. . . . . .

that independence was declared in Mecklenburg county, it could not invalidate our contention that all such evidence should be understood as relating to the resolves of May 31, 1775. There is nothing in the passage quoted by Governor Swain to show that it had reference to the alleged declaration of May 20, 1775, and not the May 31st resolves. But we do not believe that the myth of the "Mecklenburg Declaration of Independence" gained so strong a foothold as early as 1777 as to be rendered into verse by the brother of the author of the May 31st resolves.

Into the assembly now they rush'd,
With glowing hopes sublimely flush'd,
Where Subtle thus harangued the crowd,....."

"The Mecklenburg Censor" describes the course pursued by Squire Subtle (Hezekiah Alexander) and Sulky (Waightstill Avery), aided by Quirk (John McKnitt Alexander), to gain election to the Provincial Congress by the "fantastic rabble" assembled in Charlotte, and concludes with advice to his countrymen to choose better representatives. The footnotes are a key to the characters and the action of the piece, and refer to the election as having taken place "last November." "The Editor" says in his introduction, which is dated March 30, 1777, and addressed "To Electors of Mecklenburg," that the poem "came some time ago by accident" into his hands. "The Censor," he says, "ridicules the confused and unthinking conduct of the freemen of Mecklenburg at the election held last November with a severity that I thought unjustifiable, until I saw that the same spirit of insipid indifference prevailed at our last election, held the 10th day of March." The poem was therefore in his hands before March 10, 1777, and the Swain copy, if its accredited date (March 18, 1777) be correct, could not have been the original. It is likely that the Swain paper was prepared (by a man of Swain's time) from the published poem of 246 lines bearing the date of March 30, 1777, and that Swain, when writing to Bancroft on March 18, 1858, inadvertently dated the passage which he quoted March 18, 1777, and roughly calculated the number of lines in the piece to be 260. He called his letter a "very hasty and almost illegible communication." "The Editor" of "A Modern Poem" goes on to say that "The Censor" also disapproves of the men chosen to represent Mecklenburg in the General Assembly, and that the "very particular instructions" given them, "by which

What is considered by the Mecklenburg claimants to be one of the most valuable pieces of evidence of the supposed declaration of independence was discovered in September, 1904, by Mr. O. J. Lehman, of Bethania, N. C. Among the archives of the Moravian church at that place—which contain carefully-kept records written in German script by the most learned men of the Moravian Brotherhood, covering the period from 1755 to the present day—Mr. Lehman came across a manuscript of forty pages, in pamphlet form, bearing on its cover the title:

"Bruchstueck, | Aufsaz von den Vorkommenheiten | waehrend dem Revolutions–Kriege | welche einen Bezug | auf die Wachau | hatten | bis Ende 1779."

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our Representatives must abide or do nothing," indicate that the electors themselves disapproved of their choice. From these remarks and from the persons mentioned in the poem as having been elected by the "giddy council," it is clearly evident that the election of November, 1776, which is ridiculed, took place immediately before the instructions to the delegates from Mecklenburg to the Provincial Congress of November, 1776, which are printed in the *Colonial Records of N. C.* (vol. x., p. 870 a), were agreed to "At a general Conference of the inhabitants of Mecklenburg assembled at the Court-house on the first of November, 1776, for the express purpose of drawing up instructions for the present Representatives in Congress." This paper begins: "You are chosen by the inhabitants of this county to serve them in Congress or General Assembly for one year and they have agreed to the following Instructions which you are to observe with the strictest regard." The instructions contain an elaborate outline of a Constitution and Bill of Rights for the new state of North Carolina. We conclude, therefore, that "When Mecklenburg's fantastic rabble" met at Charlotte,

> "To lay the Constitution's ground-sill,
> By choosing men most learn'd and wise,"

they assembled to choose delegates to the Provincial Congress which met at Halifax, November 12, 1776, and formed the Constitution of North

This English translation is: "Fragment, Record of the events during the Revolutionary War which had a reference to Wachovia to the end of 1779."

This historical sketch opens with the events of the year 1775, and the chronicle for that year closes with the following passage:

Ich kan zu Ende des 1775*sten* Jahres nicht unangemerkt lassen, dasz schon im Sommer selbigen Jahres, dasz ist im May, Juny, oder July, die *County Mecklenburg* in Nord *Carolina*

Carolina, and to draw up instructions for those delegates. The lines which say that independence was declared at this meeting recite a falsehood.

In his recent book on the Mecklenburg Declaration (p. 30), Dr. George W. Graham claims that "The genuineness of the 'Censor' is vouched for by Wheeler's *History of North Carolina*, Lyman Draper's manuscript in the Thwait Library, and Hon. David L. Swain, then president of the University of North Carolina, in whose possession the original poem was at the time of his death in 1868." None of the authorities cited by Graham have afforded us any proof of the genuineness of Swain's copy of the poem. Wheeler's *History of N. C.* merely says (ii, 239) that Adam Brevard "wrote a piece called the 'Mecklenburg Censor,' full of wit and humor." Draper's manuscript work against the authenticity of the Mecklenburg Declaration, (which is in the Library of the State Historical Society of Wisconsin, of which Reuben G. Thwaites is secretary and superintendent) contains no stronger foundation for Dr. Graham's assertions than a copy of Swain's letter of March 18, 1857, to Bancroft, from which we have quoted the pertinent passage. Swain does not say in this letter that he had the original poem or a paper in the handwriting of Adam Brevard, although he believed his paper to be "authentic"; and no other letter of his that refers to it has ever been produced. Brevard was a schoolboy at Charlotte in the autumn of 1776, and a blacksmith after the war. Later he studied law. From this and from his narrative in Wheeler's *Reminiscences of N. C.*, 241–243, it seems doubtful if he had either literary ability or knowledge of the times sufficient to have enabled him to write the poem.

A strange fiction about Adam Brevard was published a few years before this poem came into Swain's hands. Its author claimed that Adam Brevard told him that he wrote the Mecklenburg Declaration for his brother Ephraim, and took the Westminster Confession as his guide. Later he said that Adam Brevard wrote it as the amanuensis of his brother. See the *Presbyterian Magazine*, Feb., 1852, ii, 75-76; *National Intelligencer*, Nov. 6, 1857; *True Witness* (New Orleans), May 26, 1860; *No. Amer. Rev.*, Apr., 1874; *Mag. of Amer. Hist.*, xxi, 232.

sich fuer so frey u. *independent* von England *declarirte*, u. solche Einrichtung zur Verwaltung der Geseze unter sich machte, als jamalen der *Continental Congress* hernach ins Ganze gethan. Dieser *Congress* aber sahe dieses Verfahren als zu fruehzeitig an.

The italicised words are written in English script. The English translation is:

I cannot leave unmentioned at the end of the 1775th year that already in the summer of this year, that is in May, June, or July, the County of Mecklenburg in North Carolina declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings premature.

The date and authorship of this paper, which unfortunately lacks both date and signature, have been established by Miss Adelaide L. Fries, of Winston-Salem, N. C. In an article published in *The Wachovia Moravian* of April, 1906, Miss Fries shows that the record was written at Salem in the autumn of 1783 by Traugott Bagge, a merchant and man of affairs in the town during the Revolutionary War.[1]

Unfortunately Traugott Bagge does not so describe the declaration to which he refers that it may be readily identified. But if it be admitted that a belief gained currency in Mecklenburg county and the

[1] Miss Fries's excellent paper was also published in the *Charlotte Observer* of April 15, 1906. The material parts were reprinted in the *North American Review* for July, 1906. Facsimile reproductions of the Moravian record will be found in *Harper's Weekly* for July 7, 1906 (L, No. 2585), and in the *Charlotte Daily Observer* of December 18, 1905, and May 20, 1906.

vicinity as early as 1783 that the May 31st resolves were a declaration of independence, his recollections must be understood as relating to them. After a lapse of eight years he could not say with certainty in what month the declaration to which he referred was made, and did not recollect that in spirit and in form it bore a striking resemblance to the then well-known Declaration of July 4, 1776. The one significant fact which was impressed upon his memory was that, after declaring independence, Mecklenburg county "made such arrangements for the administration of the laws among themselves as later the Continental Congress made for all," and that the Continental Congress then "considered these proceedings premature." The only measures taken by the Continental Congress before July 4, 1776, respecting "administration of the laws" in the colonies were the recommendations to form local governments given to New Hampshire, South Carolina, and Virginia, anticipated by the May 31st resolves, and the resolution of May 15, 1776, which "recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."[1] The May 31st resolves took substantially the position of the Continental Congress on May 15, 1776.

[1] *Journals of the Continental Congress*, iv., 342, 357–358.

When Mecklenburg proposed it a year before, "Congress considered these proceedings premature."

There are a few old deeds on file in the court-house in Charlotte which have been adduced as evidence that Mecklenburg declared independence in 1775. They were recorded during and immediately after the Revolutionary War, when it was customary to recite the date of the execution of deeds from "American Independence," or from "the independence of America," similar to the former custom of dating them "in the reign of George the Third." Three deeds are in Charlotte which seem to reckon the time of "our independence" from 1775, and one which dates "the independence of the State of North Carolina" from the same year. The earliest of these four, which are cited in Dr. George W. Graham's work on the Mecklenburg Declaration,[1] reads: "This indenture made this 13th day of February, 1779, and in the fourth year of our independence." A few persons of strong local pride may have dated their deeds from what they remembered as Mecklenburg's declaration of independence, but this would have been likely to excite doubts in other counties or in other states as to whether they were correctly dated. Moreover, even in the adjoining county of Rowan, Traugott Bagge, a merchant and man of affairs, did not know the exact date of the supposed declaration. The apparent reference to that declaration is probably nothing more than the result of error in calculating the time from

[1] *The Mecklenburg Declaration*, 31–32.

July 4, 1776; or perhaps the first year of independence was regarded as ending on the last day of the year 1776. Mr. A. S. Salley, Jr., of Columbia, S. C., has unearthed several indentures of this period, made in South Carolina, which are dated one year too many from, or one year too short of, July 4, 1776. He quotes the opinion of an eminent lawyer to the effect that the matter is "unworthy of the notice of any historical student."[1] At all events, we are willing to treat them as evidence of a growing belief that the May 31st resolves constituted a declaration of independence.

We have considered all the evidence, of an earlier date than 1800, of Mecklenburg's "Declaration of Independence" which researches extending over nearly a century have thus far brought to light. There is no evidence before 1800 which confirms the alleged date of the transaction—May 20, 1775. Dr. George W. Graham argues that the date is determined by the following circumstance[2]: "On May 20, 1787, the twelfth anniversary of the meeting at Charlotte, there was born to Major John Davidson, one of the signers, a son, Benjamin Wilson. And in honor of the Mecklenburg Declaration Benjamin was called by his father 'My Independence Boy,' and to distinguish his identity in a county abounding in 'Davidsons' was known among the neighbors as 'Independence Ben.' For this fact we are indepted to Mr. Robert F., aged seventy-five, and Dr. Joseph, aged sixty-eight years

[1] Charleston, S. C., *Sunday News*, July 8, 1906.

[2] *The Mecklenburg Declaration.*, 35-36.

sons of Benjamin Wilson Davidson, who now reside in Charlotte and are men of the highest integrity. Ben Davidson died when about forty-five years of age and is buried in Hopewell Cemetery, where his tombstone now [1895] stands with the date of his birth, May 20, 1787, inscribed upon it." Dr. Graham seems to overlook the fact that Messrs. Robert F. and Dr. Joseph Davidson do not say that their father received the sobriquets of "My Independence Boy" and "Independence Ben" before 1800, or even before 1819, when the date of May 20th received much publicity. Their statement is of no significance whatever unless this was their meaning. Ben Davidson was certainly considerably over thirteen years of age when his father began to call him "My Independence Boy," for as late as 1830, when Major John Davidson was requested to state what he recollected about the Mecklenburg Declaration meeting, which he had attended as a member, the date of his son's birth was not associated in his mind with the date of that meeting. As to the date of the meeting he could only say: "I am confident that the Declaration of Independence by the people of Mecklenburg was made public at least twelve months before that of the Congress of the United States."[1] The Mecklenburg resolutions were adopted more than thirteen months before July 4, 1776.

Having shown that the growth of the myth of the "Mecklenburg Declaration of Independence"

[1] John Davidson to Dr. Joseph McKnitt Alexander, October 5, 1830, *State Pamphlet*, Appendix.

was likely, if not inevitable, and that all evidence of an earlier date than 1800 which is cited in support of the authenticity of the paper of May 20, 1775, applies as easily or more aptly to the paper of May 31, 1775, we pass to the earliest known evidence of the alleged declaration of independence.

CHAPTER IX

THE DAVIE COPY

On April 6, 1800, the records of the Mecklenburg Committee of Safety were burned with the dwelling of John McKnitt Alexander, in Mecklenburg county. Alexander had been a member of the committee, a representative from Mecklenburg in the Provincial Congresses of August and September, 1775, and of April, 1776, and an active patriot during the Revolutionary War. He was sixty-seven years of age in 1800. At the suggestion, perhaps, of some of his old friends in Mecklenburg, or because he felt it incumbent upon himself, as the last custodian of the records, to preserve some memento of the deeds of his compatriots of "'75" he reduced to writing his recollections of them at some time during the five months succeeding the destruction of the records. His manuscript was found in a mutilated condition, shortly after his death in 1817, by his son, Dr. Joseph McKnitt Alexander. It was accompanied by a paper in an unknown handwriting which contained the same resolutions and historical note, with a few textual variations, as were published in the *Raleigh Register* of April 30, 1819. In a certificate to these

documents, which were submitted to the committee appointed by the Legislature of North Carolina in 1830 to examine the documentary proofs of the authenticity of the Mecklenburg Declaration, Dr. Alexander stated that he had "always taken" from the paper in an unknown handwriting, which was entire, where portions of the paper written by his father were lost; meaning, without doubt, that he prepared from them the paper published in 1819.

John McKnitt Alexander's manuscript is here reproduced from a copy made during the fifties for George Bancroft, the historian, which is now among the Bancroft manuscripts in the New York Public Library. Care was taken by the copyist, as will be seen from the facsimile of his manuscript, to reproduce every line and letter as it appeared in the original; and he imitated the handwriting in several places. He copied as follows:[1]

1775

On the 19th May 1775 ["*6*" *was written through* "*5*"] Pursuant to the Order of Colº Thoˢ Polk[2] to each Captain of Militia in his reigment of Meck- *sic*
lenburg County, to elect nominate and appoint 2 persons of their Militia company, cloathed with ample powers to devise ways & means to extricate themselves and ward off the dreadfull impending storm bursting on them by the British Nation &c &c

Therefore on sd 19th May the sd Committee met *sic* in Charlotte Town (2 men from each company)

[1] The italicised portions are notes in pencil by the copyist.

[2] In the original it is written thus: Col. ~~Adam Alexander.~~ Tho. Polk

1775

On the 19th May 1775 Pursuant to the Order of Col° Thos. Polk to each Captain of Militia in his regiment of Mecklenburg County, to elect nominate and appoint 2 persons of their Militia company, cloathed with ample powers to devise ways & means to extricate themselves and ward off the dreadfull impending storm bursting on them by the British Nation &c &c

Therefore on s^d 19th May the s^d Committie met in Charlotte Town (2 men from each company) vested with all powers these conceived their Constituents had &c

After a short conferance about their suffering brethren besieged and suffering every hardship in Boston and the American Blood running in Lexington &c the Electrical flew into every breast and to preserve order ~~and~~ Choose Abraham Alexander Esquire Chairman & Ephraim Brevard Esquire Secretary After ~~about~~ a few Hour free discussion in order to give relief to suffering America and protect our just & natural right

1st Be it the County by a solemn and awfull vote, abjured Dissolved our allegiance to King George & the British Nation.

2d Declared our selves a free & independent people, having a right and capable to govern ourselves as a part of North Carolina,

* In the original it is written thus Col° Thos Polk Adam Alexander.

Bancroft's copy of the "torn half sheet" in John McKnitt Alexander's handwriting from which the Mecklenburg Declaration was constructed.

3d In order to have laws as a rule of life — for our future Government We formed a Code of Laws, by adopting our former wholesome Laws.

4th And as there was then no Officers civil or Military in our County

We Decreed that every Militia officer in s.d County should hold and occupy his former commission and Grade and that every member present, of this Committee shall henceforth as a justice of the Peace in the Character of a Committee M hear and determine all Controversies agreable to s.d laws — peace Union & harmony in s.d County — and to use every spread the Electrial fire of freedom among ourselves & in

5th &c &c many other laws & ordinances were then ma after sitting up in the Court house all night —— neither

After reading and maturing every paragraph ~~every~~ ~~pas~~ they were all passed Nem Con about 12 o'clock May 20. ~~1775~~ 1775*

But in a few days after cooling a considerable part of s.d Committee then convened and employed Capt.n James Jack of Charlotte, to go express to Congress then in Philadelphia, with a Copy of all s.d Laws & Resolutions and a letter to our 3 members there. Rich.d Caswell, Wm Hooper & Joseph Hughes

* This is written so in the original

or conceived they had
sic Vested with all powers these their constituents had ^ &c.
about
sic After a short conferance ^ ~~of~~ their suffering brethren beseiged and suffering every hardship in Boston and the American Blood running in Lexing-
fire
sic ton &c. the Electrical ^ flew into every breast and to
Esquire
sic preserve order ~~and~~ Choose Abraham Alex ^ chairman
Secretary a few
& J. M^cK. A. After ^ ~~about~~ ^ an Hour free discussion in order to give relief to suffering America and protect our Just & natural right

1st We (the County) by a Solemn and awfull
abjured
vote, Dissolved our allegiance to King George & the British Nation.

2d Declared our selves a free & independent people, having a right and capable to govern ourselves (as a part of North Carolina)

3d In order to have laws as a rule of life—for our
sic future Government We formed a Code of laws, by adopting our former wholesome laws.
then
4th And as there was ^ no officers civil or Millitary in our County

We Decreed that every Millitia officer in sd County should hold and occupy his former commission and Grade

And that every member present, of this Committee shall henceforth [*torn*] as a Justice of the Peace (in
The original the) Character of a Committee M
is torn here hear and determine all Controversies agree-
at all the able to sd laws— peace Union
blanks. & harmony in sd County—and to use
every spread the Electrial fire of free-
dom among ourselves & u

the
sic 5th ~~Al~~ &c &c many other laws & ordinances were
then ma after sitting up in the
Court house all night—neither
After reading and maturing every paragraph ~~every~~ *sic*
sic ~~par~~ they were all passed Nem-Con about 12 o'clock
May 20. ~~180~~ 1775 [1]

But in a few days (after cooling) a considerable part of sd Committee Men conveened and employed Captn James Jack (of Charlotte) to go express to Congress (then in Philadelphia) with a Copy of all resolutions and
sd Laws &. and a letter to our 3 members there, *sic*
Wm
sic Richd Caswell, ~~Joseph~~ Hooper & Joseph Hughes in *sic*
order to get Congress to sanction or approve them
&c &c

Captn Jack returned with a long, full, complasent letter from sd 3 members, recommending our zeal
sic ~~recommending~~ perseverance order & forbearance &c.
—(We were premature) Congress never had our sd laws on their table for discussion, though sd Copy was left with them by Captn Jack.

---

sic N. B: about 1785 ["5" was changed to "7"]
~~1764~~ Doctor Hugh Williamson (then of New York ;
but formerly was member of Congress from this
The original state) applied
is here above by Colo Wm Polk, who was then
torn compiling a
in order to prove that the American people
in the Revolution and that Congress
were com

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[1] This is written so in the original.

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Capt. Jack returned with a long, full, complasent letter from s.d 3 members, recommending our zeal ~~recommendations~~ perseverance order & forbedrance &c. We were premature, Congress never had our s.d laws on their table for discussion, though s.d Copy was left with them by Capt. Jack.

N. B. about 1787 ~~1784~~ Doctor Hugh Williamson (then of N. York, but formerly was member of Congress from this State, applied above by Col. Wm. Polk, who was then compiling a in order to prove that the American people in the Revolution and that Congress were com

---

N. B. allowing the 19th May to be a rash Act effects in binding all the middle ^ west firm whigs — no toys but not fully represented in the first

Be it remembered that the within mentioned committee men continued to act as Justices and were confirmed in their offices by the Counsel of Safety in Newbern & Wilmington & Wilmington & Halifax and continued to hold their quarterly Sessions in Charlotte as usual and appeals from the Justices — for they had the confidence of the people and such was the Enthusiasm of the People at Large "that whatever was the voice of the People was the voice of God" all was submission. These matters were carried on when lord Cornwallis was in Charlotte in the fall of 1780 — "he was in a Hornets-nest" no communications to, or from but the great Camden road — all firm whigs — but? and they dare not move nor Cheap

And the first Court held in Charlotte after lord Cornwallis retreated retrograded or run away from Charlotte, the Court adjourned or rather appointed a special Court of Enquiry — which set by regular adjournments at Charlotte at Col° James Harris — at Col° Polks one week at each place — to which places all suspicious persons were brought under Guard — formally tried — some from Lincoln & Rowan Counties — even Booth and (Burke Lawyers) from Salisbury were convicted and ordered off under Guard with several others —

These were the first — the arbitrary measures were the cause of peace this County until [illegible] the fall of 1781 when our first Entity met in Newbern in the State

N. B. allowing the 19th May to be a rash Act
The original is here torn. effects in binding all the middle & west
firm whigs—no torys but
not fully represented in the first

2d page

Be it remembered. That the within mentioned Committee Men continued to act as Justices and or tollerated to act were confirmed in their offices by the Counsel of *sic* then sitting Safety in Newbern & Wilmington alternately ~~about 177~~ [*not legible*] and continued to hold their quarterly Sessions in Charlotte as usual and ~~no~~ appeals from *no* s^d Justices—for they had the confidence of the people and such was the Enthusiism of the people at *sic* large "that whatever was the voice of the People was the voice of God" all was submission. Thus matters were carried on when lord Cornwallis was in Charlotte in the fall of 1780—"He was in a Hornets-nest" no communications to, or from but the great Cambden road—all firm whigs— ~~but s^d~~ [*not legible*] and they dare not move nor Cheap. *sic* or 2^d

And the first Court held in Charlotte after lord Cornwallis retreated retrograded or run away from Charlotte, the Court adjourned or rather appointed a Special Court of Enquiry—which set by regular adjournments at Charlotte—at Col^o James Harris—at Col^o Phifers one week at each place—to which places all suspicious persons were brought under Guard—formally tried—some from Lincoln & Rowan Countys—& even Booth and—Dunn (lawyers) from Salisbury were convicted and ordered off under Guard with several others—

sic These severe just—tho arbitary measures were
sic the cause of peace [*torn*] the County untill ~~July 4~~

~~1771~~ the fall of 1777 when our first [*torn*] embly met in Newbern in the State of North Carolina and nearly all that was done confirmed [*torn*] proved ~~all we had done~~. New State commissions then issued &c [*torn*] fficers as they yet do—see the laws of sd session of 1777. *sic*

[*torn*] & foregoing extracted from the old minutes &c

By J MK Alexander

[*torn*] ch were the feeling and sympathiteck sensations of the Mecklenburgers, when they knew their brethren of Boston were beseiged by General Gage & in a state of Starvation, that in each Captn Militia company a subscription was signed for their relief—many subscribed one Bullock—other 2 Joined for one Bullock —and none was suffered to sign but what the officers and leading men admited, & for whom they were responsible &c And had there been a plan of goverment for their driving to Boston, 100 would have been given in the county in one week—the next news we heard—Boston had got relief—We were thanked for our goodwill— *sic* *sic* *sic*

And soon afterwards we smelt and felt the Blood & carnage of Lexington which raised all the passions into fury—~~which~~ was and revenge which was the immediate cause of abjuring Great britain on May 19. ~~18~~ 1775. *sic* *sic*

April 19. 1775. wa the battle at Lexington

9

The rest is torn off.

The person who copied the foregoing manuscript stated that it was "sewed up in a sheet of paper on which was written the Mecklenburg Declaration of Independence as printed in the *Raleigh Register* of

State of North Carolina and confirmed nearly all that was done proved, ~~all we had done~~. New State commissions then issued &c officers as they yet do — see the laws of 3d session of 1777. & foregoing extracted from the old minutes &c.

By J M Alexander

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And soon afterwards we smelt and felt the Blood & carnage of Lexington which raised all the passions into fury — ~~which was~~ and revenge which was

the immediate cause of abjuring Great Britain on
May 19. 1775
April 19. 1775. wa the battle at Lexington

9

April 30, 1819," but with a few variations. In the paper reproduced in the accompanying facsimile he copied these variations and all corrections, erasures, etc., in the original manuscript, and noted their place by the number of the line of the corresponding portion of the *Raleigh Register* document as reprinted in the State Pamphlet. Reconstructed from the copyist's notes and the State Pamphlet, the manuscript in an unknown handwriting, to which John McKnitt Alexander's was attached, is as follows:

N^{o} Carolina Mecklenberg County. Declaration of Independence May 20. 1775.[1]

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic ardour patriotism which elevates the mind above considerations of individual agrandisement, and scorning to shelter themselves from the impending storm by submission to lawless power, &c. &c. held several detached meetings, in each of which the individual sentiments were, "that the cause of Boston was the cause of all; that their destinies were indissolubly fixed connected with those of their Eastern fellow-citizens—and that they must either submit to all the impositions which an unprincipled, and to them an unrepresented, Parliament might impose —or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all with in the common calamity." Conformably to these principles it was Col^{n}. Adam Alexander, [" Thos. Polk" *written through* " Adam Alexander "] thr^{o}. solicitation
was authorised to issued an order to each Captain's company
comprising
in the county of Mecklenburg, (then embracing the present county of Cabarrus,) directing each militia company to elect

[1] This title was in a different handwriting.

& 2 persons, and delegate to them ample powers to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inaliable rights, privileges and liberties, from the dominant grasp of British imposition and tryanny.

In conformity to said order, on the 19th of May, 1775, the town
said delegation met in [1] Charlotte ^ vested with unlimited powers; at which time official news, by express, arrived of the battle of Lexington on that day of the previceding month. Every delegate felt the value and importance of the prize, and the awfull and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy, and insatiable revenge, developed in the late attact at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues, or resolves; that popular vapour will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy, as brethren leagued to preserve our property—our lives—and what is still more endearing, the liberties of America. Abraham Alexander was then elected Chairman, and John McKnitt Alexander, Clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously ordained—

1 That whosoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by G. britain is an enemy to this County—to America—and to the inherent and inaliable rights of man.

2 We the Citizens of Mecklenburg County ~~are~~ do hereby de the
~~absolved from~~ political bands which have connected us to the

[1] Note in the margin: "'town' Is the handwriting of Jn° Mc Kt Alexander.
"J. Mc Knitt."

The accompanying papers were sewed up in a sheet of paper on which was written the Mecklenburg Declaration of Independence, as printed in the Raleigh Register of April 30. 1819 with the exception of the following alterations. The title in a different handwriting is

N° Carolina Mecklenberg County. Declaration of Independence May 20. 1775.

line 2. enthusiastic ~~ardours~~ patriotism
" 3 agrandisement
" 7 indissolubly ~~fixed~~ connected
" 11 ~~with~~ in the
" 12 principles ~~in arms~~ Col ~~Thos~~ Alexander
" 13 ~~was authorised to~~ thro° solicitation
" 14 ~~embracing~~ comprising
" 15 elect X 2
" 16 ample powers
" 19 their inaliable rights
" 22 *Charlotte, ~~town~~ Town ~~fixed~~ sested
" 24 ~~prevoceding~~ preceeding
" 25 awfull
" 27 late attatch at
" 36 1. That whosoever
" 38 G. Britain is an enemy to this County
" 39 and inaliable

* note in the margin "town" is the handwriting of J^no M. K^r Alexander
& M^r Knox

The Bancroft copyist's description of the "sheet" in an "unknown handwriting" from which the publication of 1819 was copied.

Page 2.

line 1. 2 We the Citizens of Mecklenburg County do ~~are~~ hereby
" 2 ~~dissolved from~~ dissolve the Political
" 4 or ~~dependance~~ association with
" ~~1~~ 3 We do hereby
" 10 of the ~~gov~~ congress to the maintainance of which
" 11 independance civil & religious we solemnly
13 4 As we now acknowledge the existance & controul
" 16 great britain ~~nevertheless can & ought~~ never can be
" 18 5 It is also
" 21 henceforth ~~act~~ be civil officers ~~as~~ viz as a Justice
" 22 to ~~heir~~ issue
" 27 in this ~~State~~ province
A selection from the members present ~~was~~ shall constitute
a Committee of public safety for s^d County
" 30 setting up in the court House all night neither
sleepy hungry or fatigued —
" 32 debred ~~never can~~ unanimously about ½ 2 o Clock ^ May 20th*
" 33 days a ~~second~~ deputation ~~meeting~~ of s^d delegation ~~of took place~~ convened
" 34 to Congress in Philadelphia
" 36 Wm ~~Hall~~ & Hooper
" 37 injunctions
38 & thro the s^d Hall
" 42 house ~~those~~ a joint

* Over the ^ the original is scratched into a ^

Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, association
contract, or ~~dependence~~ with that nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3 We do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the ~~gen~~ congress to the maintainance of which independance civil & religious we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4 As we now acknowledge the existance & controul of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt, as a rule of life, all, each and every of our former laws, wherein, nevertheless, the Crown of never can
great britain ~~nevertheless can & ought~~ be considered as holding rights, privileges, immunities, or authority therein.

5 It is also further decreed, that all, each and every military officer in this county, is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation be civil officer ~~or~~ viz as
shall henceforth ~~act as~~ a Justice of the Peace, in the character of a "Committee-man," to ~~hear~~ issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said county,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this ~~State~~ province.

shall
A selection from the members present ~~was~~ constituted a Committee of public safety for s^{d} County.

A number of bye laws were also added, merely to protect the association from confusion, and to regulate their general conduct as citizens. After setting up in the Court House all

night neither sleepy hungry or fatigued—and after discussing every paragraph, they were all passed, sanctioned, and de-
unanimously
creed ~~nem con~~ about 12 o'Clock, May 20th [1] In a few
deputation convened
days a ~~second meeting~~ of sd delegation ~~of took place,~~ when Capt. James Jack, of Charlotte, was deputed as express to Congress in Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three representatives there, viz. Richard Caswell, Wm Jas Hooper and Joseph Hughes—under express injunctions, personally, & thro' the sd State representation, to use all possible means to have said proceedings sanctioned and approved by the General Congress. On the return of Captain Jack, the delegation learned that their proceedings were individually approved by the Members of Congress, but that it was deemed premature to lay them before the house ~~those a~~ joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity, and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern and Wilmington, alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this county, who constituted and held their first session, ~~im-~~
~~soon after~~ in Charlotte ~~removed from~~
~~mediately on Lord Cornwallis leaving Charlotte in the year~~
then
1780—they held their meetings regularly at Charlotte, at Col. James Harris's, and at Col. Phifer's, alternately, one week at
civil
each place. It was a ~~military~~ court founded on military process. Before this Judicature, all suspicious persons were

[1] Over the caret the original manuscript was scratched into a hole.

Page 3

line 10 session ~~immediately~~ ~~Lord Cornwallis leaving~~ ~~Charlotte in the year 1780~~ they held

5 a ~~military~~ Capital court

12 cent counties — Booth & Dunn (lawyers) were brot from Salisbury - tryed convicted - proscribed - & banished - &c &c

made to appear, were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the county. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties—Booth & Dunn (lawyers) were brot from Salisbury—tryed convicted —proscribed—& banished &c &c

The "sheet" in an unknown handwriting and the mutilated "half sheet" written by John McKnitt Alexander were thus certified by his son:

No. Carolina,
Mecklenburg County.

The sheet and torn half sheet to which this is attached (the sheet is evidently corrected in two places by John McKnitt Alexander as marked on it ☞ —the half sheet is in his own handwriting) were found after the death of Jno. McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets, viz.: "an address on public liberty printed Philadelphia, 1774;" one "on the Disputes with G. Britain, printed 1775"; one "on State affairs, printed at Hillsborough, 1788"; and "an address on Federal policy to the Citizens of No. C., a 1788"; and the "Journal of the Provincial Congress of No. C., a held at Hallifax the 4 of April, 1776," which papers have been in my possession ever since.

Certifyed Novr. 25th, 1830.

(*signed*) J. McKnitt.

In an address delivered at an Academy near Charlotte, published in the *Raleigh Minerva* of 10th Augt., 1809, the Mecklenburg Declaration is distinctly stated, etc.

As to the full sheet being in an unknown handwrite, it matters not who may have thus copyed the original record: by comparing the copy deposited with Genl. Davie they two will be found so perfectly the same, so far as his is preserved, that no imposition is possible—the one from the same original as the other is conclusive. I have therefore always taken from the one which is entire, where the other is lost. the entire sheet

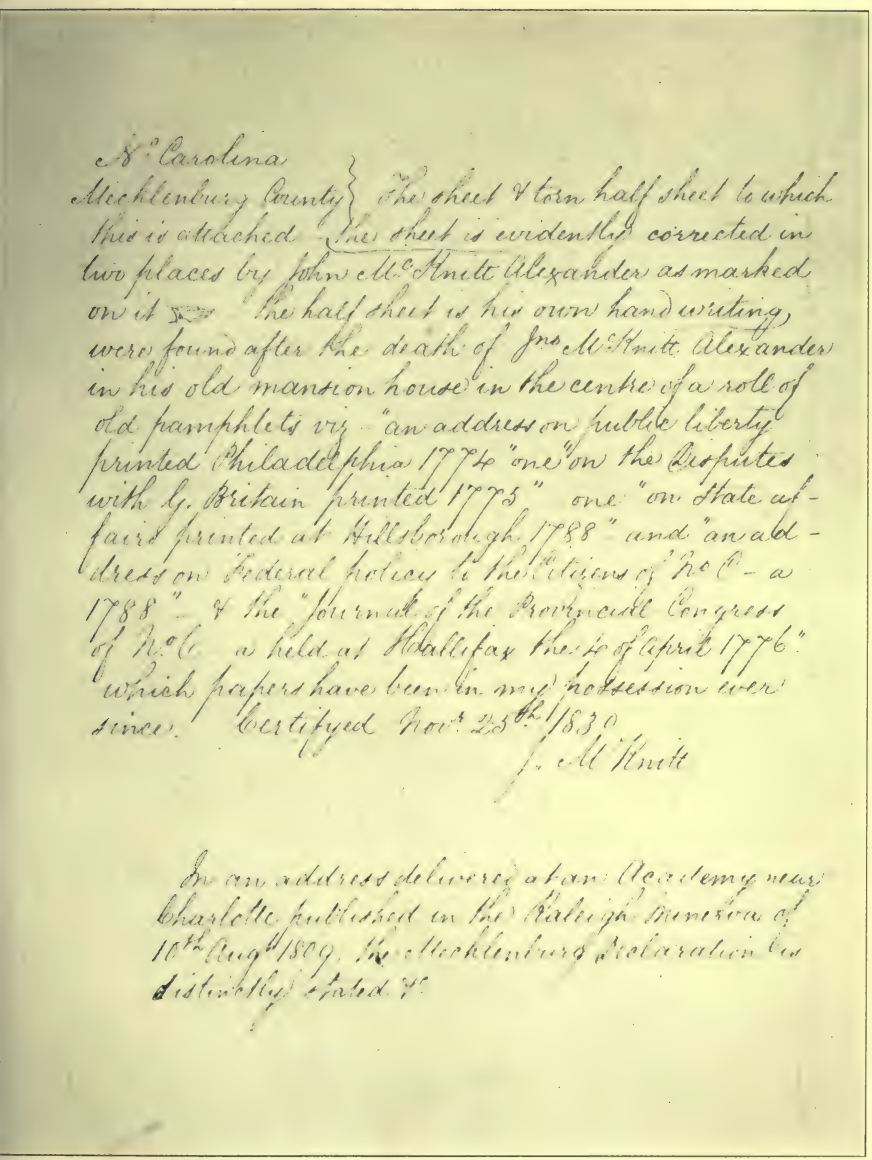
is most probably a copy taken long since from the original for some person, corrected by Jno. McKnitt Alexander, and now sent on. the roll of pamphlets with which these two papers were found I never knew were amongst his old surveying and other old papers untill after his death. they may have been unrolled since 1788.

(*signed*) J. McKnitt.

When last known to be extant, the originals of the foregoing documents were in the possession of David L. Swain. Swain was governor of North Carolina from 1833 to 1836, president of the State University from 1835 to 1868, and "Historical Agent" for procuring documents relating to North Carolina history during the fifties. Much of his great historical collection, including manuscripts borrowed from the State archives, from the university, and from private persons, was scattered after his death in 1868[1]; and practically all the original documents collected before that date to prove that Mecklenburg county declared independence in 1775 were lost. As early as 1851 Governor Swain[2] had in his possession all the original papers that were copied into the State Pamphlet, the preface to which was written by him for Governor Montfort

[1] Sketch of Swain in Peele's *Lives of Distinguished North Carolinians*, and private information from Dr. Kemp P. Battle, ex-president of the Univ. of N. C. At the time of Governor Swain's death, the documents which did not belong to him were, unfortunately, in his private library, and not mentioned in his will. During the Reconstruction period many were lost, sold, or given away. All that remains of the Swain collection, of which the writer has any knowledge, is in the State archives, in the archives of the University of North Carolina, and in the Emmet Collection in the N. Y. Pub. Lib.

[2] Swain to Benson J. Lossing, Dec. 20, 1851; transcript in the Bancroft Collection, N. Y. Pub. Lib.



N° Carolina
Mecklenburg County } The sheet & torn half sheet to which this is attached } The sheet is evidently corrected in two places by John McKnitt Alexander as marked on it — The half sheet is his own hand writing, were found after the death of Jno McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets viz "an address on public liberty printed Philadelphia 1774 "one" on the Disputes with G. Britain printed 1775" one "on State affairs printed at Hillsborough 1788" and "an address on Federal policy to the Citizens of N°C - a 1788" - & the "Journals of the Provincial Congress of N°C a held at Halifax the 4th of April 1776" which papers have been in my possession ever since. Certified Nov. 25th 1830
J. McKnitt

In an address delivered at an Academy near Charlotte published in the Raleigh Minerva of 10th Aug 1809. the Mecklenburg Declaration is distinctly stated to

Copy of the certificate attached by Dr. Joseph McKnitt Alexander to the anonymous manuscript and his father's.

As to the full sheet being in an unknown hand write – it matters not who may have transcribed the original record – by comparing the copy deposited with Genl Lowrie – they two will be found verbatim the same, so far as his is preserved & that no imposition is possible & the one from the same original as the other is conclusive, I have therefore always taken from the one which is entire, where the other is lost – the entire sheet is most probably a copy taken long since from the original for some person & corrected by Jno. McKnight Alexander & now sent over – the roll of pamphlets with which these two papers were found I never knew were amongst his old surveying & other old papers until after his death – they must have been unrolled since 1788 –

J. McKnight

Stokes. "After that pamphlet was compiled," said Governor William A. Graham in a special message to the Legislature on January 8, 1847, "the various original papers referred to in it were returned by Governor Stokes to Dr. J. McKnitt Alexander, of Mecklenburg, at the request of the latter, by whom they had been collected and furnished to the General Assembly. These were obtained from the family of the only son and Executor of Dr. Alexander (both father and son being now dead) in the Autumn of 1845, and are now in this office." Dr. Joseph McKnitt Alexander's certificate to the foregoing manuscripts identifies them as those referred to in his certificate to the narrative and resolutions published in 1819 and reprinted in the State Pamphlet. He certified the latter to be a true copy of papers left in his hands by John McKnitt Alexander. The published document is not quite word for word the same as what appeared in the manuscript in an unknown handwriting, but this was due for the most part to emendations made when it was first printed from Dr. Joseph McKnitt Alexander's letter to William Davidson. Colonel Polk's transcript of that letter[1] shows that in copying the manuscript in an unknown handwriting Dr. Alexander inserted "Resolved" before each resolution and "A. M." before "2 o'clock" in the accompanying narrative, and omitted the words "civil and religious" in the third resolution, a line of the narrative immediately following the resolutions, and the word "up" in the phrase following

[1] See Appendix.

the omitted line. With these exceptions he copied accurately.

The committee appointed by the Legislature of North Carolina in November, 1830, which reported that they had "examined, collated, and arranged all the documents which have been accessible to them touching the Declaration of Independence by the citizens of Mecklenburg," undoubtedly examined the papers referred to by Dr. Alexander. The date of the certificate to those reproduced above, November 25, as well as its tenor, shows that it was addressed to that committee. It is most likely that they were among the papers obtained in 1845 from the family of Dr. Alexander's son and borrowed from the Executive Office in Raleigh by Governor Swain some time before 1851.

Dr. Joseph McKnitt Alexander published the notes on the Mecklenburg resolutions contained in the "half sheet" written by his father in the *Yadkin and Catawba Journal* (Salisbury, N. C.) of November 9, 1830. Extracts copied from the original manuscript are also to be found in a published address delivered at Wake Forest College in 1852 by Romulus M. Saunders. When preparing this address Judge Saunders examined all the documents on the Mecklenburg Declaration then in the possession of Governor Swain. He describes the Alexander manuscripts as "*Two papers*, furnished by Dr. Alexander, who certifies that they were found by him among some old pamphlets of his father's, the one *a half-sheet* in the hand-writing of John McKnitt Alexander, the other a full sheet in

some 'unknown hand.' These papers were stitched together; the half-sheet is an old paper, and from its appearance, I should say in all reasonable probability is the oldest manuscript we have of the meeting of May, 1775. The other sheet gives the same statement and resolutions as published, and has one or two corrections in the hand-writing of John McKnitt Alexander."

The carefully prepared copies of the Alexander manuscripts are in a volume of historical matter of the year 1775 in the Bancroft Collection (*America.* 1775. Vol. ii., p. 69). The volume consists mostly of transcripts of manuscripts relating to America in the British archives in London. A part of it is devoted to matter on the Mecklenburg Declaration collected by Bancroft, and includes letters of Governor Swain, Charles Phillips, Hugh Blair Grigsby, and Henry S. Randall. Bancroft was in correspondence with Swain as early as 1835 and as late as 1858. The scrupulous regard for accuracy with which the papers reproduced above were manifestly prepared, their agreement with extracts from the original manuscripts published in 1830 and 1852, the copyist's notes upon the condition of the originals, the opportunity afforded Bancroft by his acquaintance with Governor Swain of obtaining accurate copies, his keen interest in the Mecklenburg controversy, and his belief in the accuracy of the copies which he obtained at the time when the originals were extant, render it certain that these copies are perfect reproductions of the originals.

Notwithstanding the statement on a mutilated

portion of the paper in John McKnitt Alexander's handwriting that the "foregoing [was] extracted from the old minutes &c.," it was obviously prepared after the destruction of the records of the Mecklenburg committee in April, 1800. Alexander no doubt meant that he reproduced in substance what had been stated in the "old minutes &c." as he recalled them. Such a crude paper would never have been written were the records or transcripts of them accessible. The entire paper is on its face a narrative of events long passed away, some of which occurred during the later years of the Revolutionary War, and it recites many circumstances for which John McKnitt Alexander obviously drew upon his memory. Errors in regard to the person who issued the order for the meeting described and in regard to the clerk of the meeting, which will be noticed later, are revealed by the testimony of others who attended it. Moreover, Alexander expressed his uncertainty about facts which must have been stated in the records. He wrote Joseph for William Hooper, afterwards correcting his error, and Hughes for Hewes. He was in doubt as to whether it was the "first or 2d" meeting of the committee men held in Charlotte after the retreat of Cornwallis that appointed a court of inquiry. He might easily have satisfied himself on this point could he have consulted the records of the Mecklenburg committee and court of inquiry which were burned in his house. He wrote so long after sending a copy of the Mecklenburg resolutions to Hugh Williamson that he thought at first that

it was sent in 1785, and twice thereafter recollected a different year. His inadvertency, on two occasions, in writing "18" and "180" when intending to write "1775" makes it plain that he wrote in 1800 or later. Even if it could be demonstrated, in the face of this evidence, that the paper co-existed with the records that were burned in April, 1800, John McKnitt Alexander's crude notes on the resolutions which he understood to be a declaration of independence prove conclusively that their phraseology was not fixed in his memory.

A comparison of the foregoing papers reveals unmistakable evidence that the paper in an unknown handwriting was prepared from Alexander's notes. The anonymous paper is clearly not an original draft. It is nothing more than a revision of the notes, with a few facts added, and retaining many of the better-worded phrases of both the narrative and condensed resolutions or decrees. The numerous coincidences of order and form in which the same facts are stated in the two papers need not be pointed out specifically. The paper which was attached to Alexander's notes contains the errors found in the notes as to the principals at the meeting, gives Hooper the name of Joseph, afterwards corrected in both papers, and repeats the statement that the resolutions were adopted at 12 o'clock at night, which was subsequently changed to 2 o'clock. Corrections made at the time of writing in the resolutions as well as in the narrative also show that the records were not at hand when they were prepared. Only two correc-

tions are attributed to John McKnitt Alexander by his son. Instances of changes made in the text of the resolutions at the time of writing may be seen in the third resolution, where the half-formed word "general," before "congress," was struck out; in the fourth resolution, where the phrase struck out and rewritten could not have been copied from an original record by the grossest inadvertency, nor left uncorrected in the manuscript of any one of ordinary intelligence; in the fifth resolution, where the word "issue" was substituted for "hear," which appears in the same connection in Alexander's notes, by writing not above but on the line, and hence before the next word was written; and in the same resolution where the word "province" was substituted for "State." The writer would certainly not have assumed to improve the phraseology of the resolutions as well as the historical statement if he copied from a record, nor would John McKnitt Alexander have changed only two words if he himself did not rely solely upon his memory for the form of the resolutions. The number and character of the emendations in the resolutions preclude the possibility of their being corrections of errors made in transcribing an original record. Finally the literary style of the resolutions and narrative betray a common authorship. They exhibit the same method of frequently presenting several verbs and nouns to express the same action or thing; contain some of the same peculiar words; present the same ambitious, forcible, but inaccurate diction, and, in a word, have the same ring through-

out.[1] They bear every mark of having been written by some one endeavoring to express the spirit of the period and to make it as strong as possible. The style resembles that of Alexander's notes, and many words and phrases of the narrative and resolutions are to be found in the notes, but this is a far more scholarly paper. It is wholly unlike that of Ephraim Brevard, who is said to have been author of the "Mecklenburg Declaration of Independence." Brevard was a graduate of Princeton, an able writer, and the acknowledged draftsman of the Mecklenburg resolves of May 31, 1775. He could not have written a paper with such numerous tautologies and bungling imitation of the language of legal instruments.

Dr. Joseph McKnitt Alexander stated in his certificate accompanying the document published in the *Raleigh Register* of April 30, 1819, that he found it "mentioned on file" that a copy of the "proceedings" was sent to Gen. William R. Davie. The Davie copy, in John McKnitt Alexander's handwriting, was found in a mutilated condition among General Davie's papers shortly after his death in 1820.[2] As far as it was preserved, it was "perfectly the same," according to Dr. Alexander's certificate of November 25, 1830, as the paper in an unknown handwriting from which he prepared the publication of 1819. Instead of copying directly from the Davie manuscript, which they described as "some-

[1] H. S. Randall: *Life of Thomas Jefferson*, iii., 581.

[2] See Dr. Henderson's certificate, State Pamphlet, and *N. C. Univ. Mag.*, May, 1853, ii., 170. In 1853, only the last two of the resolutions printed in the *Raleigh Register* in 1819 appeared in the Davie paper.

what torn, but is entirely legible," the editors of the State Pamphlet reprinted the resolutions and historical note from the *Raleigh Register* as the paper "originally deposited by John McKnitt Alexander in the hands of Gen. Davie." The age and trustworthiness of the Davie paper and of its counterpart in the unknown handwriting are fixed by the conclusion to the former[1]:

It may be worthy of notice here to observe that the foregoing statement, *though fundamentally correct, yet may not literally correspond with the original record of the transactions of said delegation and court of enquiry*, as all those records and papers were burnt with the house on April 6th, 1800; but previous to that time of 1800, a full copy of said records, at the request of Doctor Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Col. Wm. Polk, in order that those early transactions might fill their proper place in a history of this State then writing by said Doctor Williamson in New York.

Certified *to the best of my recollection and belief*, this 3d day of September, 1800, by

J. McK. Alexander.

Mecklenburg County, N. C.

This certificate of John McKnitt Alexander remained unknown to the world until the Rev. Charles Phillips, D.D., professor of mathematics at the University of North Carolina, and secretary of the Historical Society of the University, copied it from the original Davie paper placed in his hands by Governor Swain, and published it in an elaborate article contributed by him to the *North Carolina University Magazine* of May, 1853. The Davie

[1] *N. C. Univ. Mag.*, May, 1853, ii., 175. The italics are not in the original.

paper was removed from the Executive Office at Raleigh by Governor Swain for critical inspection and lost between 1868 and 1875, when the Swain collection was scattered. The authenticity of this certificate has rarely been questioned, and many times after its publication Professor Phillips confirmed its textual accuracy as given above in its integrity.[1] "His high personal character," said James C. Welling, who knew him, "is a sufficient guarantee for his loyalty to truth in this matter. Moreover, as the document at the time of its publication was still in the custody of Governor Swain, it is impossible that a member of his faculty, writing with his full cognizance, could have published a falsification of the document without instantaneous detection and exposure."

Letters of Governor Swain in the New York Public Library, written during the fifties to George Bancroft and to Benson J. Lossing, contain many references to the Davie manuscript and other original documents on the Mecklenburg Declaration then in his possession.[2] He stated repeatedly that there was no evidence satisfactory to his mind "that the papers purporting to be Mecklenburg declarations are true copies of the original record"; and that the Davie paper was written in September,

[1] James C. Welling in *Mag. of Amer. Hist.*, March, 1889, xxi., 223; Professor Phillips in N. Y. *Evening Post*, May 19, 1875, and in letters to P. B. Means, published in 1887 in a pamphlet entitled "*May, 1775*," containing a reprint of his article of 1853; *Gov. Graham's Address*, 87.

[2] Swain to Lossing, December 20, 1851; to Bancroft, March 6, 1858, and March 18, 1858.—New York Public Library. *Cf.* Swain to H. S. Randall, April 6, 1858, printed in Tompkins's *History of Mecklenburg County*, ii, 53–54, from a copy in the Draper Collection.

1800. "It was not taken from the record," he said, "it is not shown to be a copy of a copy, or that there was a copy extant in September, 1800." "While I have never assumed to speak *ex cathedra* upon this subject," he wrote in 1851, "I have never concealed my opinions from my friends. Wheeler and Wiley were fully apprized of them, and the former persisted in maintaining the authenticity of the paper, in despite of assurances from me that no one of the three gentlemen to whom his book is dedicated would sustain him."[1] Governor Swain changed his mind more than once as to whether a formal declaration of independence was ever adopted in Mecklenburg, but always maintained that there was no document which fixed with certainty the date of the alleged declaration; "nor, with the exception of a series of doggerel verses which have recently come into my possession," he wrote Bancroft in 1858, "is there any paper containing a direct reference to the subject which I suppose to be of earlier date than September, 1800."

The certificate of the Davie copy constitutes the last link in the chain of documentary evidence, all proceeding from John McKnitt Alexander, which proves that the "Mecklenburg Declaration of Independence" is a distorted record of a true manifesto of Mecklenburg county, clothed in language wholly different from that of the true manifesto, conceived in the imperfect memory of John

[1] Wheeler dedicated his *History of North Carolina* to Bancroft, Force and Swain.

McKnitt Alexander, and written twenty-five years after its alleged date. Alexander professed to be only "fundamentally correct" in his "statement," which included the declaration and his history of it. He said that it might not "literally correspond" with the original records, "as *all* those records and papers" had been burnt; and he mentions no memoranda that had been preserved. As if these *caveats* were not enough to prevent misconstruction, he was careful to certify only according to his best "recollection and belief." "As water in finding its natural level can never rise higher than its source, so the 'Mecklenburg Declaration of Independence' can never rise higher than its natural level in these 'recollections' and 'beliefs' of its original sponsor."[1] In John McKnitt Alexander's rough notes we find his reminiscences as he reduced them to writing before the Davie copy was prepared—the Davie paper in embyro. Upon no other supposition can their existence be accounted for. The internal evidence that Alexander's notes were written in 1800 or later without the aid of the records, which were destroyed in April of that year, the internal evidence that the manuscript in an unknown handwriting was not transcribed from those records, the similarity and identical features of the two papers and the corrections in one of them indicating that the anonymous paper was a revision of the notes, the significant fact that John McKnitt Alexander attached these papers together, and, finally, Alexander's own admission that the Davie

[1] *Mag. of Am. Hist.*, March, 1889, xxi., 224.

copy, dated September 3, 1800, and literally the same as the paper in an unknown handwriting, was written from memory, prove beyond the shadow of a doubt that his notes were the basis of the other papers. These documents tell the story of the transfiguration of the Mecklenburg resolves of May 31, 1775, seen through the prismatic glass of Alexander's imperfect memory, into the "Mecklenburg Declaration of Independence."

We have no reason to believe that John McKnitt Alexander refreshed his memory of the resolutions which he understood to be a declaration of independence within thirteen years before the loss of the records. He states in his notes that he sent a copy to Dr. Hugh Williamson in 1787 or sooner. Governor Montfort Stokes recollected in 1831 to have seen this copy in Dr. Williamson's possession in the year 1793.[1] Nothing short of infallibility could have enabled Governor Stokes to identify the phraseology of a paper which he saw but once, thirty-eight years previously. His testimony proves no more than that he saw a paper of similar tenor to that of the Davie copy, for John McKnitt Alexander himself claimed to reproduce but its substance. There was no issue as to *the* paper adopted in Mecklenburg in May, 1775, when Governor Stokes gave his testimony, nor until Peter Force published the May 31st resolves in 1838. Williamson's *History of North Carolina*[2] is silent concerning a declaration of independence by Meck-

[1] See State Pamphlet, Preface.
[2] Published in 1812.

lenburg county, for the good reason that he was favored with a copy of the records before they had been burnt. Williamson says in his preface that he proposed to bring his work down to the year 1790 and had collected materials for that purpose, but, "considering that the history of the province may be acceptable to many people who are less solicitous about late military transactions," he desisted from his plan. The history proper closes with the dispute between Governor Martin and the Assembly, culminating in the dissolution of the Assembly by the governor in 1774; but the reflections of the author on the political situation of the colony at that time, in which he touches upon "the desire of independence and self-government" "when people are separated by nature from other nations and other governments," offered a most appropriate but neglected opportunity to say a word of the "gigantic step of its county of Mecklenburg," if John McKnitt Alexander furnished him with anything but the paper of May 31, 1775. The stoppage of his narrative did not prevent Williamson from recording statistics of exports during the years 1785 to 1788, the discovery of a subterranean wall in Rowan county as late as 1794, and the introduction of machines for spinning cotton in the year 1811. Williamson died in New York May 22, 1819. The documents which he collected for the continuation of his work are supposed to have been burnt in a warehouse in Pearl Street, New York, in the great fire of 1835.[1]

[1] Professor Phillips, in the N. Y. *Evening Post*, May 19, 1875.

Like the critics of later days, John McKnitt Alexander no doubt believed when he last saw the records of the Mecklenburg committee that the May 31st resolves were a declaration of independence. In 1800, their provisional character, obscured by the permanent separation from Great Britain by the Declaration of July 4, 1776, which made Mecklenburg an independent county dating from May 31, 1775, had passed completely from his mind. Of their form, as we see from his notes, he had dim recollections. A reproduction from mere memory of a document whose import he misunderstood when he had the original before him years previously and whose phraseology he had forgotten, prepared at a time when the document was remembered by many as a declaration of independence, and originating in a patriotic effort to preserve from oblivion the worthy sentiments and actions of himself and his neighbors, could hardly be expected to be anything but an exaggerated travesty of the original. His rough notes were probably the result of his first attempt to recall what was done in Charlotte in May, 1775, after the loss of the records. He seems to have had no intention, when he sat down to write them, of attempting to reproduce the phraseology of the document which he understood to be a declaration of independence. The substance of the document was clearly all that his failing memory could supply. The substance of the Mecklenburg resolves of May 31, 1775, the portion which approaches a declaration of independence, and the portion with

which Alexander's recollections are identified, is contained in the preamble and first five resolves:

May 31st Resolves.	*Alexander's Notes.*
Whereas .... we conceive that all laws and commissions confirmed by, or derived from the authority of the King or Parliament, are annulled and vacated, and the former civil constitution of these colonies, for the present, wholly suspended.	1st We (the County) by a Solemn and awfull vote, Dissolved [or abjured] our allegiance to King George & the British Nation.
. . . . .	
I. That all commissions, civil and military, heretofore granted by the Crown, to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.	
II. That the Provincial Congress of each province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within their respective provinces; [2] and that no other legislative or executive power, does, or can exist, at this time, in any of these colonies.	2d. Declared ourselves a free & independent people, [2] having a right and capable to govern ourselves(as a part of North Carolina.)
III. As all former laws are now suspended in this province, and the Congress have not yet provided others, we judge it necessary, for the better preservation of good	3d. In order to have laws as a rule of life—for our future Government We formed a Code of laws; by adopting our former wholesome laws.

order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the Congress.

IV. That the inhabitants of this county do . . . . chuse a Colonel and other military officers, who shall hold and excercise their several powers by virtue of this choice, and independent of the Crown of Great Britain, and former constitution of this province.

4th. And as there was then no Officers civil or Millitary in our County

We Decreed that every Militia officer in s'd County should hold and occupy his former commission and Grade

V. That for the better preservation of the peace and administration of justice, each of those [milita] companies do chuse from their own body, two discreet freeholders, who shall be empowered . . . . . to decide and determine all matters of controversy, ... [and by the succeeding resolves to be members of the Committee of Safety].

And that every member present, of this Committee shall henceforth [act] as a Justice of the Peace in the Character of a Committee M[an, to] hear and determine all Controversies agreeable to s'd laws [and to preserve] peace Union & harmony in s'd County—and to use every [exertion to] spread the Electrial fire of freedom among ourselves & u

VI-XX.

5th. &c. &c. many other laws & ordinances were then ma[de].

Resolve XVIII of May 31, 1775, which made all the others defeasible by the possible abandonment on the part of the British Government of its arbitrary policy toward the colonies, is among the "other laws and ordinances" which John McKnitt Alexander could not remember. This is far less

remarkable than the failure of the New York and Boston printers of 1775 to notice it. They copied the preamble and first four resolves and summarized or omitted to mention the other sixteen. Without this limitation, with the word "dissolved" substituted for "suspended," and the qualification as to time omitted in the preamble and Resolves I and II, the subject-matter of the first five resolves and the order in which each appears in the series agree "fundamentally" with Alexander's notes. In their descriptions of the document of May 31, 1775, Governor Martin, writing in 1775, shortly after reading the document, and John McKnitt Alexander, writing from memory in 1800, failed, as so many others have done, to note any of these essential features by which it fell short of a declaration of independence. Believing, as he did, that the document was a formal declaration of independence, Alexander's notes on the first two resolves, which in his mind contained the declaration proper, bear less resemblance to the true document than the others. His reminiscences of the others necessarily tended to conform to this belief. Hence it is that, while Alexander rightly recollected that the third, fourth, and fifth resolves concerned, respectively, laws, military officers, and civil officers, he was in error as to their terms. Resolve III of May 31st states that, as all former laws were suspended, the "rules and regulations for the internal government" which follow should be adopted; and Resolves IV and V order an election of county militia officers and of two persons from

each militia company to be justices of the peace and members of a standing convention, or committee, having judical and administrative powers. The court records of Mecklenburg show that the old civil and criminal codes, in so far as they did not conflict with the new regulations, continued to be the "rule of life" for the people of the county. They also show that seven alleged "signers" of the Mecklenburg Declaration continued to preside in the county court, that no new justices were elected to this court, and that the court met on the third Tuesday[1] of January, April, July, and October, in the courthouse in Charlotte—the very dates and place provided by the May 31st resolves for the meetings of the new judicial and administrative body. No doubt the majority of the old committee men and military officers were re-elected. This fact, with the actual retention of British laws, and the natural inference by John McKnitt Alexander that independent Mecklenburg county could not have been left without laws and civil and military officers pending the establishment of a "more general and organized government" in the province, and an election of new county officers, gave him a very erroneous idea of the third, fourth, and fifth resolves of May 31, 1775; but near enough the truth to make it certain that he was struggling to recall them when he wrote his notes. He concluded that the committee men "formed a Code of laws by adopt-

[1] Thursday appears in place of Tuesday in the resolves in the *South-Carolina Gazette And Country Journal* of June 13, 1775. This is a misprint, as will be seen from both the *North-Carolina Gazette* of June 16, 1775, and Governor Martin's transcript of the resolves in the *Cape Fear Mercury*.

ing our former *wholesome* laws," transferred the military officers in a body from the royal to the new government, and then, after the fashion of a French *coup d'état*, declared themselves justices of the peace and members of the new committee — a proceeding not at all in keeping with the character of this body of sober, law-abiding, Scotch-Irish Presbyterians. Resolves VI to XX concern, for the most part, the duties of the new committee men and other county officers, and military matters. No one would be likely to remember the details. Alexander merely noted that "many other laws and ordinances were then made."

An attempt to reconstruct the "Mecklenburg Declaration of Independence" from his notes probably suggested itself to John McKnitt Alexander when writing his impressions of the last of the five resolves that he regarded as the most important, the greater part of which resolve he wrote in the present tense. It may be observed that it was not because he remembered the phraseology of the fifth resolve of the supposed declaration (the fourth in his notes) that he wrote it in the present tense, for, if so, we must conclude that he entirely forgot the striking expressions of the resolutions containing the declaration itself—and they are very striking—while a resolve respecting the appointment and duties of civil officers, the longest of the series, was indelibly fixed in his memory. There are indications that Alexander entrusted to some person of greater literary skill than himself the work of preparing from his notes a more fitting memorial of

the "Declaration of Independence" and events associated with it. We have seen that corrections in the manuscript in the unknown handwriting made by the writer show that it was to some extent an original composition. How much of it was composed by the anonymous writer will probably never be known. It seems hardly possible that the author of the halting, ungrammatical, yet labored, notes could have prepared the second paper, which evinces an incomparably higher degree of literary ability, although the two papers have a similarity of style. Moreover, Alexander's notes invariably refer to the body that declared independence as a "Committee" and to its members as "Committee Men," while the other paper speaks of a "delegation" and "delegates." It is true that Alexander used the term "delegation" in his certificate to the Davie copy, but he could consistently use no other when certifying a copy of the paper in an unknown handwriting. Furthermore, the material part of the last of the five resolutions, which the unknown writer copied nearly word for word from Alexander's notes, is repeated by him immediately after the resolution, as appears below, and the term "Committee-man" is enclosed in quotation marks, both of which facts would seem to show that he did not comprehend the meaning of the term. The unknown writer also used the word "unanimously," instead of "Nem. Con," which appears in the notes. If this paper was prepared by some person other than John McKnitt Alexander, that person learned from Alexander facts which are not stated in the notes. Whether

the corrections, the superior literary merit, and the words different from those used in the notes to express the same thing prove merely that it is a transcript, with slight changes made by the person who transcribed it, of a second draft of the notes prepared by Alexander himself, or that this paper is the original second draft, is a matter of minor importance, since we know that it is based on the notes.

The genesis of the so-called Davie copy of the Mecklenburg Declaration, which for thirty-four years wore all the honors of a genuine and authentic document, which was pointed out as such to the aged men who were asked to say that they heard it proclaimed in Charlotte on May 20, 1775, which was affirmed to be such by the Legislature of North Carolina in 1831, and which still has champions who seem to be ignorant of John McKnitt Alexander's certificate to the manuscript which he gave to General Davie, is demonstrated by placing it side by side with Alexander's notes:

Alexander's Notes.

The Reconstructed Document.

1. That whosoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by G. britain is an enemy to this County—to America—and to the inherent and inaliable rights of man.

1st We (the County) by a Solemn and awfull vote, Dissolved our allegiance to King George & the British Nation.

2d Declared ourselves a free & independent people, having a right and capable to govern ourselves (as a part of North Carolina).

3d In order to have laws as a rule of life—for our future Government We formed a Code of laws; by adopting our former wholesome laws.

2 We the Citizens of Mecklenburg County ~~are~~ do hereby absolved ~~from~~ the political bands which have connected us with the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or ~~dependence~~ association with that nation who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3 We do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the ~~gen~~ congress to the maintainance of which independance civil & religious we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4 As we now acknowledge the existance & controul of no law or legal officer, civil or military, within this county, we do hereby ordain and

adopt, as a rule of life, all each and every of our former laws, wherein, nevertheless, the Crown of great britain never can ~~nevertheless can & ought~~ be considered as holding rights, privileges, immunities, or authority therein.

then
4th And as there was ^ no Officers civil or Millitary in our County

We Decreed that every Millitia officer in sd County should hold and occupy his former commission and Grade

And that every member present, of this Committee shall henceforth [*torn*] as a Justice of the Peace in the Character of a Committee M [*torn*] hear and determine all Controversies agreeable to sd laws—[*torn*] peace Union & harmony in sd County—and to use every [*torn*] spread the Electrial fire of freedom among ourselves & u [*torn*].

5 It is also further decreed, that all, each and every military officer in this county, is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this be delegation shall henceforth ~~act~~ civil officer ~~or~~ viz ~~as~~ as ^ a Justice of the Peace, in the character of a "Committee-man", to ~~hear~~ issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said county,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this State province.

the
5th Al &c &c many other laws & ordinances were then ma [*torn*].

A selection from the mem- shall bers present was constituted a

Committee of public safety for sd County.

A number of bye laws were also added, merely to protect the association from confusion, and to regulate their general conduct as citizens.

The design of the author of the paper in an unknown handwriting, whoever he may have been, was apparently to construct from the notes a declaration of independence as "flaming," as Jefferson called it, as he could make it. Of the four resolutions recollected by Alexander, the last two form substantially the concluding resolutions of the rehabilitated document. Its fifth and last resolution, the longest in the series, is in great part word for word as it appears in Alexander's notes. These two resolutions concerned laws and county officers and required little original work by the unknown writer. But the subject-matter of the first two offered so attractive a field for the writer's imagination and rhetoric that they were extended into three resolutions and altered almost beyond recognition. Some of the most striking and best known phrases of the Declaration of July 4, 1776, were introduced into the reconstructed document. At that early day, the phraseology of the Declaration of Independence was well known, and the writer of this paper could find no other words for the declaration of Mecklenburg. These three short resolutions contain such expressions of Jefferson's immortal document as "unalienable Rights," "dissolve the political bands which have connected," "Absolved from all Allegi-

ance to the British Crown," "all political connexion," "are, and of Right, ought to be," and "we mutually pledge to each other our Lives, our Fortunes, and our sacred Honour." *None of these expressions are to be found in John McKnitt Alexander's notes.* It was perceived as early as 1819 that they were too numerous and peculiar in structure to be accidental coincidences. "Either these resolutions are a plagiarism from Mr. Jefferson's Declaration of Independence," said John Adams,[1] "or Mr. Jefferson's Declaration of Independence is a plagiarism from those resolutions. I could as soon believe that the dozen flowers of Hydrangea, now before my eyes, were the work of chance, as that the Mecklenburg resolutions and Mr. Jefferson's Declaration were not derived the one from the other." For many years the contestants in the acrimonious controversy as to whether Jefferson was guilty of plagiarism were unaware that Richard Henry Lee is the author of nearly all of these phrases upon which the accusation was founded.[2]

In treating the genesis of the manuscript in an unknown handwriting we have assumed that Dr. Joseph McKnitt Alexander was truthful in his certificate to the effect that he found it with his father's notes in the condition shown by the reproductions, that he did not recognize the handwriting, that two corrections on it were made by his father, and that it was "perfectly the same" as the Davie paper as far as the Davie paper was preserved. In the ab-

[1] Adams to William Bentley, August 21, 1819; *Works*, x., 383.

[2] Lee's resolution for independence, July 2, 1776.

sence of the original Davie paper in John McKnitt Alexander's handwriting the often repeated charges of fraud and forgery against the younger Alexander must be considered. These charges were privately maintained by no less a person than Professor Charles Phillips, who enjoyed the privilege of examining the originals of all these documents when they were in the possession of Governor Swain. In the volume in the Bancroft Collection which contains the transcripts reproduced above, and immediately before them, is inserted a letter of Henry S. Randall to Bancroft, dated February 7, 1859, enclosing a copy of a letter written by Professor Phillips to Randall from the University of North Carolina under date of April 15, 1858. Professor Phillips says that when he wrote his article for the *North Carolina University Magazine* of May, 1853, he felt, like Governor Swain, "that all of the story about the 20th of May could not stand before cool and fair criticism, and especially that the Davie paper, in either form, would not be endorsed by any proper jury in the land." "To me," he writes "the assertion, or insinuation, that Jefferson ever borrowed from Mecklenburg is just ridiculous, and so it is to Gov. Swain and many others of our best informed men in N. C. Had old McN. Alexander's son been as honorable as was his father, we never would have heard of such an assertion. *The condition of the originals in our possession here, the diversity of hand writing, the frequent interlineations, erasures etc. show that the younger Alexander tried to set forth a poem in*

Alexandrian measure.[1] But the old man's honesty (see p. 175 of that pamphlet)[2] doubtless was sadly in the young man's way. The truth is, I judge, not far from this. The son had not long come home from Princeton College; the father's house and all the records were burnt; the father and other survivors felt that some memento of their deeds in '75 must be preserved. So the son sat down to reproduce the Declaration of Mecklenburg, but was mistaken as to date and form. The date was to be gotten only from memory; the form as we see, was influenced by the then well known General declaration." The originals referred to by Professor Phillips are obviously those from which the transcripts found with his letter were made. This is confirmed by a note in Randall's *Life of Thomas Jefferson.*[3]

Professor Phillips appears to have believed that Dr. Joseph McKnitt Alexander prepared under his father's guidance the narrative and resolutions contained in the manuscript in an unknown handwriting; that after his father's death he destroyed

[1] Randall says in his letter to Bancroft that he added the underscoring when copying Prof. Phillips' letter.

[2] The reference is to the certificate to the Davie paper, printed in the *North Carolina University Magazine*, May, 1853, ii, 175.

[3] Randall says (iii, 574): "We are informed by one who has often seen Mr. Alexander's manuscripts on this subject that they exhibit a diversity of hand-writing, frequent interlineations, erasures, etc. Whether this applies to the resolutions themselves we are not specially apprised, but *suppose* our informant intended such application." The following extract from his letter to Bancroft may account for Bancroft's silence: "As I remarked, Prof. P's letter is not marked confidential, but you will of course take good care that he is not brought into danger by his his [sic] frankness. The publication of his remarks would probably cost him his professorship."

a copy of the certificate to the Davie paper which stated that they were written from memory, and that he altered his father's notes and the manuscript in an unknown handwriting so as to make them say that his father acted as clerk of the meeting to which they refer, and that Colonel Adam Alexander issued the order for the meeting. Professor Phillips inferred that Dr. Alexander had a copy of his father's certificate to the Davie paper, from its resemblance to his certificate to the document published in the *Raleigh Register* in 1819, which certificate purported to state facts which he found "mentioned on file." "He told the truth about it," wrote Professor Phillips in 1879,[1] "but not the whole truth, and so conveyed to his readers something besides the truth." Such authorities as Draper, Goodloe, and Welling have likewise alleged or insinuated that the younger Alexander made an improper condensation of a certificate like that appended to the Davie paper.[2] But, if their suspicions be well founded, why did he not also suppress and destroy the certificate to the Davie paper itself, which was in his possession during nearly all the period from the date of its discovery until 1830? The "Alexandrian measure" in the story of the Mecklenburg Declaration was probably the main cause of Professor Phillips's distrust of Dr. Alexander. He no doubt assumed that John McKnitt Alexander could not have fancied

[1] Phillips to P. B. Means, May 20, 1879, in "*May, 1775*," 27.

[2] Draper's manuscript work; Goodloe, in N. Y. *Herald*, May 8, 1875; Welling, in the *Mag. of Amer. Hist.*, xxi., 223–224. *Cf.* Joseph Wallis, in the *National Intelligencer*, August 13, 1857.

that he, instead of Ephraim Brevard, was secretary of a meeting on so momentous a subject, and that Lieutenant-Colonel Adam Alexander instead of Colonel Thomas Polk, issued the order for it. The parts taken by Brevard, Polk, and *Abraham* Alexander are established by the personal testimony of spectators at the meeting, which testimony we have reserved for critical analysis. It is difficult to conjecture what might have been the foundation for John McKnitt Alexander's reminiscences, but it cannot on that account be denied that when he wrote his notes in 1800 he believed that he had acted as secretary of the meeting which was in his thoughts. He is known to have been an active participant in that meeting and secretary and chairman of similar meetings of the period,[1] and it is very probable that he succeeded Brevard as clerk of the Mecklenburg Committee of Safety. Governor Swain's theory was that there was a preliminary meeting which agreed upon the general principles formulated on May 31, 1775, and that John McKnitt Alexander was secretary.[2] Strong evidence that Alexander often stated that he had been secretary of the famous meeting is the belief of William B. Alexander, brother of "J. McKnitt," that his father had acted as such,[3] and the testimony given after the fact had been called in question by two such intelligent witnesses to the meeting as General Joseph Graham and Rev. Humphrey

[1] Captain Jack's certificate, and *Col. Rec. of N. C.*, x., 870*a*.
[2] Swain to B. J. Lossing, December 20, 1851, Bancroft Coll.
[3] *Ante*, p. 2.

Hunter, who were his neighbors and friends. With respect to the condition of the original manuscripts, which Professor Phillips thought to be proof of a posthumous introduction of "Alexandrian measure," it may be said that the transcript of John McKnitt Alexander's notes shows clearly that his initials and the word "secretary" were written later than the context; but no diversity of handwriting is noted by the copyist. It is also evident that if the copyist noted even the most conspicuous erasures—and it seems to have been his purpose to note everything of that nature—the allusions to Colonel Adam Alexander and John McKnitt Alexander in the manuscript in an unknown handwriting, and to the former in the notes, originally belonged to those papers. Professor Phillips's case cannot be proved by such flimsy evidence as this.

The reproduction of the manuscript in an unknown handwriting makes it well-nigh certain that if John McKnitt Alexander never recollected that he was secretary of a meeting of May 20, 1775, he never saw that manuscript, and the Davie paper contained something very different in form, perhaps the rough notes, for the manuscript in an unknown handwriting bore internal evidence of original composition by the writer. Professor Phillips, however, arrived at another conclusion. This would seem to indicate that he did not examine the manuscript carefully. His letter to Randall shows that he believed that it was a copy of a paper prepared by the younger Alexander under his father's direction and that it was once in John McKnitt Alexander's

possession and was altered after his death. In his contribution to the *North Carolina University Magazine* of May, 1853, Professor Phillips said with reference to the resolutions of May 20, 1775: "The 'Davie copy' was first published in the *Raleigh Register* in April, 1819, and it is so named because the last two of its resolutions were found on a mutilated manuscript among the papers of the late General W. R. Davie." He did not say how much of the narrative in the Davie manuscript was preserved in 1853, and copied into his article nothing but the certificate; but in a letter written twenty-six years afterwards he erroneously stated that the manuscript was entire when Governor Swain first saw it.[1] His letter to Randall and the manner in which the *Raleigh Register's* copy of the resolutions, prepared by Dr. Alexander from the manuscript in an unknown handwriting, are treated in his article in connection with the certificate to the Davie paper, evince his belief that, with the exception of the "Alexandrian measure," the Davie paper originally contained what appears in the manuscript in an unknown handwriting. But the traces of original work by the unknown writer are so discernible even in his last two resolutions as to lead to no other conclusion than that the two papers could not have been identical with respect to these resolutions, as Professor Phillips says they were, if the unknown writer's was of later date than the Davie paper and never in the elder Alexander's hands. It is indeed remarkable that the resolutions

[1] Phillips to P. B. Means, May 20, 1879.

missing from the mutilated Davie paper were the very ones which contain most of the expressions borrowed from Jefferson's Declaration, and that one of those which remained, the last, was the one most like its parallel in John McKnitt Alexander's notes. We have seen, however, that the last resolution of the notes and the last of the anonymous paper might be expected to be found resembling each other more closely than any others.

A week before the date of Professor Phillips's letter to Randall, Governor Swain wrote Randall in answer to a request for a statement of his views on the Mecklenburg Declaration, or permission to publish his letters to Bancroft.[1] As the subject was soon to be treated by himself and Dr. Francis L. Hawks in the latter's *History of North Carolina*, he did not feel at liberty to comply. With respect to the original Davie paper he wrote:

> You remark that the main question, so far as *Mr. Jefferson is concerned*, is this: "Is the Alexander copy of the Mecklenburg Resolutions *genuine?*" The paper is unquestionably *genuine.* I have it before me, in the well-known hand-writing of John McKnitt Alexander. But what is it? It is not the record of the Mecklenburg Committee that perished in the fire which consumed Mr. Alexander's home in April, 1800; and this paper bears date in the following September. It is not a transcript, therefore, of the original record. If it be the copy of a copy, the inquiry presents itself, of that copy: How authenticated? Where, when, and by whom taken? Does it purport to be a copy, or is it simply upon the face of it the most accurate narrative which Mr. Alexander's memory could supply of the transactions to which it relates?

[1] Swain to Randall, Chapel Hill, April 6, 1858, in Tompkins, *History of Mecklenburg County*, ii, 53-54; copied from the Draper MSS.

The results of the investigations made by the North Carolina legislative committee of 1830–31, published in July, 1831, in the State Pamphlet, afford ample proof that as much of the mutilated Davie paper as remained when it was unearthed, which seems to have been more than Professor Phillips found in 1853, agreed in every respect with the manuscript in an unknown handwriting. The report of the committee strangely omitted to mention John McKnitt Alexander's certificate to the Davie paper. This has led some to believe that the committee never saw the original paper, and that it took the younger Alexander's word for its statements about the paper. But the editors of the State Pamphlet reprinted under "A" the document published in the *Raleigh Register* of April 30, 1819, and under "B" this certificate and note:

State of North Carolina,
Mecklenburg County.

I, Samuel Henderson, do hereby certify that the paper annexed was obtained by me from Maj. William Davie in its present situation, soon after the death of his father, Gen. William R. Davie, and given to Doct. Joseph McKnitt by me. In searching for some particular paper, I came across this, and, knowing the hand-writing of John McKnitt Alexander, took it up and examined it. Maj. Davie said to me (when asked how it became torn) his sisters had torn it, not knowing what it was.

Given under my hand this 25th Nov., 1830.

SAM. HENDERSON.

NOTE.—To this certificate of Doct. Henderson is annexed the copy of the paper A, originally deposited by John McKnitt Alexander in the hands of *Gen. Davie*, whose name seems to have been mistaken by Mr. Jefferson for that of *Gov.*

Caswell. See preface, pages 5, and 6. This paper is somewhat torn, but is entirely legible, and constitutes the "solemn and positive proof of authenticity" which Mr. Jefferson required, and which would doubtless have been satisfactory, had it been submitted to him.

Dr. Henderson's certificate refers to the *original* Davie paper as the one to which it was annexed, and the note's statement that it is annexed to the "*copy* of the paper A" must be construed to have reference to that copy of "A." This is confirmed by Governor Stokes, who says in the preface to the State Pamphlet, written for him by Governor Swain: "this identical copy, known by the writer of these remarks to be in the handwriting of John McKnitt Alexander, one of the secretaries of the Mecklenburg meeting, is now in the Executive Office of this State. (See Dr. Henderson's certificate, B.)" Dr. Joseph McKnitt Alexander's certificate to his father's notes and the manuscript in an unknown handwriting, like Dr. Henderson's, is dated Mecklenburg county, November 25, 1830, and both were no doubt sent to the legislative committee on that day with the documents to which they refer. Alexander said in his certificate: "As to the full sheet being in an unknown hand write, it matters not who may have thus copyed the original record. *by comparing the copy deposited with Genl. Davie they two will be found so perfectly the same, so far as his is preserved, that no imposition is possible.* . . . . the entire sheet is most probably a copy taken long since from the original for some person, corrected by Jno. McKnitt Alexander, and now sent on." Since the committee said it examined all documents which

were accessible, we must believe that it was after making the comparison thus invited that it concluded that the Davie paper originally contained all that appears in the manuscript in an unknown handwriting; and the honesty of Dr. Joseph McKnitt Alexander can no longer be questioned. The corrections, interlineations, and erasures in the manuscript in an unknown handwriting are in keeping with its character as a draft of the Davie copy, but certainly out of place in a paper fabricated to pass as a transcript of an original record.

The story of the 20th of May, 1775, was told by John McKnitt Alexander to many persons after he wrote his rough notes in 1800. Any evidence that this date was known as the date of the Mecklenburg Declaration before the publication made in 1819 is thus accounted for. We have seen that it is confirmed by no evidence up to the time of Alexander's writing. It has been suggested that he recollected that date because May 20th, Old Style, is the same as May 31st, New Style, and that the Julian calendar, which was abolished in England in 1752, may have been used by some persons in the frontier county of Mecklenburg as late as 1775, which fact Alexander forgot. At some time after the Davie copy was written Alexander related the story of the Mecklenburg Declaration to Judge Duncan Cameron, an eminent North Carolina jurist. He informed Cameron that he had given a copy of the declaration to General Davie, and said, "The document is safe."[1] This incident has led some to be-

[1] *Gov. Graham's Address*, 51; *Dr. Hawks's Lecture* 85.

lieve that the Davie paper was an extract from an original record. On June 1, 1809, at the commencement exercises of Sugar Creek Academy, three miles from Charlotte, a pupil recited an address containing a paragraph relating to the Mecklenburg Declaration which was evidently prepared from the account in the manuscript in an unknown handwriting, perhaps by Alexander himself. This is the address published in the *Raleigh Minerva* of August 10, 1809,[1] to which Dr. Joseph McKnitt Alexander refers in his certificate to the manuscript in an unknown handwriting. He no doubt found the newspaper among his father's papers. Sugar Creek Academy was conducted by the Rev. Samuel C. Caldwell, a son-in-law of John McKnitt Alexander, and his pupil, the youthful orator, is believed

[1] A copy of this newspaper is now in possession of a family descended from its publisher, William Boylan. I am indebted to Mr. A. S. Salley, Jr., for a full copy of the address printed therein. The following is the reference to the Mecklenburg Declaration :

"On the 19th of May 1776, a day sacredly exulting to every Mecklenburg bosom, two delegates duly authorised from every militia company in this county met in Charlotte. After a cool and deliberate investigation of the causes and extent of our differences with G. Britain, and taking a view of the probable result; pledging their all in support of their rights and liberties ; they solemnly entered into and published a full and determined *declaration* of Independence, renouncing forever all allegiance, dependence on or connection with Great Britain ; dissolved all judicial and military establishments emanating from the British crown ; established others on principles correspondent with their declaration, which went into immediate operation : All which were transmitted to Congress by express, and probably expedited the general declaration of Independence. May we ever act worthy of such predecessors." A comparison of this passage with the historical note in the manuscript in an unknown handwriting shows that the facts it states were derived from that note. A foot-note to the address says that, as it was not "first intended for publication, extracts were not noted."

to have been James Wallis,[1] son of the Rev. James Wallis, another son-in-law of John McKnitt Alexander. The Rev. James Wallis was at the head of a school at Providence settlement, near Charlotte.[2] His son Joseph of Chapel Hill, Texas, said in a letter published in the *National Intelligencer* of August 13, 1857, that he remembered seeing his father stamp on Williamson's *History of North Carolina* because it did not contain a carefully prepared account of the Mecklenburg Declaration by John McKnitt Alexander. A former student at the school of the Rev. James Wallis informed William A. Graham in 1875 that he heard John McKnitt Alexander, on the occasion of a visit of a month at Providence in 1813, relate the circumstances of the declaration of May 20, 1775.[3] John McKnitt Alexander died July 10, 1817. During the last five or six years of his life he was nearly blind and very infirm.[4]

Thus through John McKnitt Alexander did the myth of the Mecklenburg Declaration of Independence, which had its rise in the Revolutionary period, gain wider credence in Mecklenburg county, and thus was the way paved for the unanimity with which men accepted the document published in 1819 as genuine and authentic.

[1] Geo. W. Graham: *The Mecklenburg Declaration*, 33–35.

[2] *Our Living and Our Dead*, iii, 193; Foote's *Sketches of North Carolina* 248, 250.

[3] *Gov. Graham's Address*, 51–52.

[4] Geo. W. Graham: *The Mecklenburg Declaration*, 114; copied from Lyman C. Draper's manuscript work on the Mecklenburg Declaration.

CHAPTER X

THE MARTIN AND GARDEN COPIES

RECENT advocates of the authenticity of the Mecklenburg Declaration admit that the Davie copy was written from memory in 1800 by John McKnitt Alexander, but claim that it is "fundamentally correct," as Alexander certified it to be. The authentic copy, they argue, is to be found in François Xavier Martin's *History of North Carolina*, published in New Orleans in 1829, and in the second series of Alexander Garden's *Anecdotes of the American Revolution*, published in Charleston, S. C., in 1828. It is in form an emendation, with an additional resolution, of the series published in 1819, or Davie copy. Having seen from John McKnitt Alexander's rough notes that he had no recollection of the phraseology of the document, whatever it was, which he understood to be a declaration of independence, and knowing that the Davie copy was constructed from those notes, we might be justified in dismissing without inquiry a paper which is for the most part literally the same as the Davie copy. But the testimony of François Xavier Martin is cited to prove that he obtained his copy before 1800, the year in which the Davie copy was written. Although Martin's history appeared ten years

after the resolutions were published in the *Raleigh Register*, the author states in his preface that his work was written between 1791 and 1809, when he was a resident of North Carolina. In 1809 he was appointed a Federal judge in Mississippi, and a year later transferred to Louisiana. He had hoped, according to his preface, to resume the work he began in North Carolina, but, because of ill health and the demands of public duties upon his time, "The determination has been taken," he said, "to put the work immediately to press in the condition it was when it reached New Orleans: this has prevented any use being made of Williamson's *History of North Carolina* [published in 1812], a copy of which did not reach the writer's hands till after his arrival in Louisiana." In his lecture before the New York Historical Society in 1852, the Rev. Francis L. Hawks testified from his conversations with Judge Martin that Martin obtained the Mecklenburg resolutions "in manuscript, from the western part of North Carolina, and procured them, as he did most of his other materials, before the year 1800."[1] In his address at Charlotte on May 20, 1857, Dr. Hawks stated that he particularly questioned Judge Martin as to the source whence he procured his copy, and that Martin told him "not from Alexander," but from some one in the western part of North Carolina, prior to 1800. Martin informed him in the last year of his life, he said, that he did not give a copy to Alexander Garden, or even know that Garden had printed the same reso-

[1] Cooke, 62–63.

lutions. Dr. Hawks gave more details in 1857 than he did in 1852, but he seems to have cautiously omitted on the second occasion to say whether Martin told him that he obtained his copy in manuscript or printed form.[1]

While Martin may not have added any original matter to his *History of North Carolina* after his arrival in Louisiana, it can be demonstrated, we believe, that the Mecklenburg resolutions and accompanying narrative printed in his work were written after 1819, and that they did not reach the hands of Martin or Garden until 1821 or later. Martin's preface may be accounted for as containing unguarded statements intended to explain the careless manner with which the work was written and the author's failure to make use of Williamson's history. Martin's statements to Dr. Hawks were made in 1846, or shortly before, when Martin was in his eighty-fifth year, totally blind, and his memory "somewhat impaired," according to one who knew him intimately. It is most likely that leading questions, the remoteness of the circumstance of which he spoke, and the fact that he was the author or compiler of thirty-seven volumes,[2] led him to confuse the Mecklenburg resolutions with some other paper. After reading the graphic sketch of Martin in his dotage written by Charles Gayarré,[3] one can

[1] The principal parts of the address were published in the *Charlotte Democrat*, May 26, 1857, and reprinted in the *Charlotte Daily Observer*, May 20, 1906.

[2] Prof. F. M. Hubbard in the *N. C. Univ. Mag.*, October, 1852, 350; and H. A. Bullard's *Discourse on the Life and Character of the Hon. François Xavier Martin* (1847), 29.

[3] *Fernando De Lemos. Truth and Fiction* (New York, 1875).

scarcely hold Martin responsible for any statements made by him at that period. If this be not the true explanation, then Martin deliberately lied. It has been shown that he made false statements in his *History of North Carolina*, to prove a theory, when authentic facts were actually before him.[1] In 1842, Governor Swain wrote Martin requesting to be informed when and by whom his copy of the Mecklenburg resolutions was furnished, but his letter was ignored.[2]

Martin's *History of North Carolina* is a compilation which has no pretensions to anything higher than a mere chronological arrangement of materials, with no attempt to set forth events in any other relation. Documents of the Revolutionary period are copied into it nearly word for word, but without quotation marks. The account of the Mecklenburg Declaration opens Chapter XI of the second volume, the last chapter of the work. Chapter X, which precedes, records events from the meeting of the Continental Congress in September, 1774, to September, 1775. The account of the Mecklenburg Declaration should therefore have been incorporated in this chapter in order to follow the plan of the work. No event other than the Mecklenburg Declaration which occurred during the period covered by this chapter is recorded elsewhere. In its position at the beginning of the succeeding chapter

[1] Stephen B. Weeks: *Southern Quakers and Slavery (Johns Hopkins Univ. Studies in Hist. and Polit. Science*, extra vol. xv.), 32–33.

[2] Swain to B. J. Lossing, December 20, 1851. Transcript in Bancroft MSS., N. Y. Pub. Lib.

it stands wholly unrelated to the accompanying narrative. Chapter X closes with an account of the proceedings of the Provincial Congress, and the last words are: "The Congress rose on the 19th of September" (1775). The chronological record is resumed in Chapter XI with an account of the proceedings of the Continental Congress in the same month, which opens with the statement that "The Continental Congress met on the 13th of September." Between these two sentences is inserted the account of the Mecklenburg Declaration, which recites incidents which occurred from March, 1775, to the middle of the Revolutionary War. The most reasonable inference from these facts is that the latter sentence originally opened Chapter XI, and that the account of the Mecklenburg Declaration reached the author's hands after the work was completed, and was inserted where it would not necessitate any change in the text. This is confirmed by the palpable ignorance of a declaration of independence by Mecklenburg county which Martin exhibits in the last two chapters. In Chapter X he mentions the violent resolutions of the Committees of Wilmington and New-Bern, but has not a word to say about the declaration of independence which is alleged to have emanated about the same time from Mecklenburg. In Chapter XI he speaks of the receipt of the news of the Declaration of Independence from Philadelphia with no comment on a previous declaration by a county of North Carolina. "Thus," he says, in connection with the Declaration of July 4, 1776,

"ended the royal government in the province of North Carolina, . . ." At the end of each of these last two chapters Martin cites "*Records.—Magazines.—Gazettes,*" as his sources of information.

Having seen that Martin's history bears internal evidence which seems to show that the Mecklenburg resolutions and accompanying narrative were inserted at the beginning of the last chapter after the work was completed, we will inquire into the history of the document which we hold to be the original Martin copy. The *Raleigh Register* of Friday, August 13, 1819, published the following editorial announcement: "*Mecklenburg Declaration of Independence.* —The public will doubtless be gratified to learn that Colonel WILLIAM POLK, of this city, (who was present at the meeting in Mecklenburg County when the Declaration of Independence was agreed upon in May, 1775) is preparing for publication some further information in relation to that Declaration. We understand that the Colonel will give the names of the Delegates, and an account of the proceedings of the Committees subsequently, until a regular government was established; and correct some misstatements in the publication already made on this subject in the Register of the 30th of April last, and which has lately been the subject of remark in Northern papers." Although completed in a few days after this announcement was made, Colonel Polk's narrative did not appear in the *Raleigh Register.* It was sent by him to his intimate friend Judge Archibald DeBow Murphey,

of Haw River, N. C., at whose instance it was prepared, with the following letter[1]:

Raleigh, August 18, 1819.

My dear Sir,

It has not been in my power to bestow as much time on the subjects mentioned in your memorandum of the 16th ult. as I could have wished, and what I have written is so crudely put together, without form, grammar and orthography, with numberless interlineations & erasures, that I fear you will not be able [to] glean any thing worth your observations. I have been too much hurried in my preparation for Tennessee to give to any thing else much of my time.

I am not sufficiently acquainted with the Biography of Gen. Davie to give you such an account of him as would be sufficiently interesting; nor am I well enough acquainted with the history of the establishment of the present boundary between the States of N & S° Carolina to say any thing worthy of the subject.

The History of our University: you are in possession of all I could say on that subject.

I set out on Sunday for Nashville, to be gone I do not know how long. I wish you, my D^r^ Sir, much health & happiness. very respectfully,

Will: Polk.

[Addressed: A. D. Murphey, Esq.]

This letter shows that Colonel Polk's narrative was an original composition written at the request of Judge Murphey, and that Judge Murphey expected to "glean" from it something worthy of his "observations," that is, to prepare something for publication on the subject which it treated. The

[1] The original letter and narrative are in the Emmet Collection, N. Y. Pub. Lib. (Em. 1493.) They were purchased by Dr. Thomas Addis Emmet in 1889 from an autograph dealer of New York who obtained the bulk of the papers left by Judge Murphey in Hillsboro, N. C.

Raleigh Register editorial also shows that it was written for publication.

Colonel Polk's account of the Mecklenburg Declaration has not been found in a complete file of the *Raleigh Register* from 1819 to 1830, nor in broken files of several other North Carolina newspapers which are now extant. The original manuscript, however, bears the indorsement "published" in Judge Murphey's handwriting. It had not been published up to February 18, 1820, for Judge Murphey wrote Colonel Polk on that date[1]: "I hope you will find time during the year to write much more on the subjects on which you favored me with several sheets during the last summer. As soon as I can get my business arranged, I intend to devote much of my time to these subjects and others connected with the History of the State." In the fall of 1820, Murphey conceived the project of writing a great historical and scientific work on North Carolina, a work for which his scholarship, his philosophic mind, his facility in composition, and his love for the State of North Carolina pre-eminently qualified him. He collected much material, consisting in a large measure of the reminiscences of surviving Revolutionary officers, but poverty and ill health ended his labors about 1828 and carried him to the grave in February, 1832. In January, 1821, he began to publish in the *Hillsboro Recorder* the narratives of some of

[1] The original letter is in the possession of the writer, who has a large part of the correspondence of Judge Murphey and is preparing a biography of him. See his sketch of Murphey in the *Biographical History of N. C.*, iv., 340–348.

these old men. This newspaper was established at Hillsboro, about fifteen miles from Judge Murphey's home, in February, 1820,[1] previous to which time there were no newspapers published in North Carolina west of Raleigh for a number of years. It appears that Colonel Polk's narrative was published in this paper. Judge Murphey wrote General Joseph Graham, July 20, 1821, that he published in the *Hillsboro Recorder* in March, 1821, an "account 'of the first Revolutionary movements,'" and that the printer "made a mistake and said, 'in the United States,' instead of 'in this State.'"[2] As the opening words of Colonel Polk's narrative are, "The first revolutionary movements in this State as far as recollection serves," and as the original manuscript is indorsed by Colonel Polk, "First revolutionary movements, &c.", this was undoubtedly the narrative to which Judge Murphey referred. Additional evidence is afforded by the fact that he wrote Colonel Polk on July 24, 1821: "I have requested Mr. Heart, the Editor of the Hillsboro Recorder, to send you his paper, commencing with the latter part of January."[3]

The account of the Mecklenburg Declaration in Colonel Polk's manuscript sketch of the first revolu-

[1] *Raleigh Register*, February 18, 1820.

[2] *Col. Rec. of N. C.*, xix., 975–978. Cf. *N. C. Univ. Mag.*, December, 1854, 447–448.

[3] From the original letter in the writer's possession. A very incomplete file of the *Hillsboro Recorder*, and the only one known to be extant, is in the possession of Miss Alice C. Heartt, of Hillsboro, N. C., the granddaughter of the editor. Following an issue of January, 1821, which announces that Judge Murphey would contribute a series of letters, there

tionary movements in North Carolina is in substance and largely in form the same as that which appears in Martin's *History of North Carolina.* From a comparison of the two, which are printed below in parallel columns, it is manifest that Martin copied into his work the paper which Judge Murphey prepared from the Polk manuscript and published in the lost *Hillsboro Recorder* in March, 1821. There is, of course, a diversity between the Polk and Martin accounts of the Mecklenburg Declaration, because the former was intended only as a basis for Judge Murphey's publication; and he no doubt added facts bearing upon the matter which had come to light up to the time of his writing. The new data were contained in the joint certificate of George Graham, William Hutchison, Jonas Clark, and Robert Robison, given by these men at the request of Colonel Polk, and published in the *Raleigh Register* of February 18, 1820, and in the testimony of James Jack and Francis Cummins, published in the same paper on May 26, 1820. The few facts recorded in the Martin account which are not in Colonel Polk's are all stated in this published testimony. The Polk recension of the Mecklenburg resolutions does not agree verbatim with Martin's nor with that published in the *Raleigh Register* a few months before it was

is a gap in the file extending to late in that year. It would seem from Judge Murphey's letter to General Graham, in which he refers to his articles in the *Hillsboro Recorder*, that they were copied by a Fayetteville, N. C., newspaper. The first of these articles was copied into the *Newbern Centinel*, of September 8, 1821. It was written over the name of "Florian."

written; *but it contains several words and phrases of the Martin copy which do not appear in the Raleigh Register version.* "The resolutions of the Mecklenburg delegates," wrote Colonel Polk, "is taken from a manuscript copy given by Dr. Jos. McKnitt Alexander of Mecklenburg. *I cannot vouch for their being in the words of the Committee who framed them,* but they are essentially so." It will appear below that Judge Murphey, being thus informed that the resolutions were not an extract from an original record and virtually told that he might take liberties with them, made emendations in several places where he thought that the original text had not been preserved, and constructed a sixth resolution of which Colonel Polk gave the substance.

Polk.[1]

. . . But in no part of the Province was there such opposition to the usurped acts of the British Govt, nor so great a love of liberty and country manifested as in the County of Mecklenburg: In the months of March & April 1775 the influential characters in the County held meetings to ascertain the sense of the people & to reason with them on the propriety of opposition to the right claimed by the British Parliment to impose

Martin.

In the western part of the province, the people were still eager in their resistance. In the months of March and April, 1775, the leading men in the county of Mecklenburg held meetings to ascertain the sense of the people, and to confirm them in their opposition to the claim of the parliament to impose taxes and regulate the internal policy of the colonies. At one of those meetings, when it was ascertained, that the

[1] The parts of Polk's manuscript preceding and following the extract printed here will be found in the Appendix.

taxes and regulate the internal policy of the Colonies—at one of these meetings when it was ascertained the People were prepared to meet their wishes if was agreed that Thomas Polk then Col. comd^{t} of the County; should issue an order directed to each Captain of the Regiment, requiring them to call a company meeting & to elect two delegates from each company to represent them in Committee at Charlotte on the 19th of May 1775 giving to the Delegates full & ample power to adopt such measures as to them should seem best calculated to promote the common cause; to defend the country against British usurpation & slavery, and aid our Brethren in Massachusetts — Agreeably to the order aforesaid; Delegates from every Captains comp^{y} in the County (& which at that time comprehended the County of Cabarrus) met in Charlotte with powers as ample as had been required. When the Delegates had taken their seats in the C^{t} House was nominated & appointed Chairman, & Doctor Ephraim Brevard Secretary. It had been agreed by those at whose instance the people were prepared to meet their wishes, it was agreed, that Thomas Polk, then colonel commandant of the county, should issue an order directed to each captain of militia, requesting him to call a company meeting to elect two delegates from his company, to meet in general committee, at Charlotte, on the 19th of May; giving to the delegates ample power to adopt such measures, as to them, should seem best calculated to promote the common cause of defending the rights of the colony, and aiding their brethren in Massachusetts. Colonel Polk issued the order, and delegates were elected. They met in Charlotte, on the day appointed. The forms of their proceedings and the measures to be proposed had been previously agreed upon, by the men at whose instance the committee were assembled. The Reverend Hezekiah Jones Balch, Dr. Ephraim Brevard, and William Kennon, esq. an attorney at law, addressed the committee, and descanted on the causes which had led to the existing contest with the mother country, and the consequences which were to be apprehended, unless the

vention met that the Rev^{d} Hezekiah James Balch, Doct^{r} Eph. Brevard & W^{m} Kennon Esq an Att^{o} and man of considerable oratorial powers, should open the bussiness by discanting on the causes which had led to the existing contest & the result, which would inevitably follow, unless met by a firm manly & energetic resistance.—to aid the end which the leaders had in view, it fortunately happened that on the day of the meeting the news of the action at Lexington reached them; fought on the 19th of April; which gave a fair & fortunate opportunity for those who were inclined to urge the propriety of disolving the union between the mother country & the Colonies & to assume a Republican form of Gov^{t} which was the great object of the Leaders. The speakers acquitted themselves on the several subjects on which they spoke remarkably well & with great effect not only on the Delegates, but a numerous assemblage of the People of the County led together from the novelty of the meeting—when after a few observations by several of the popular Delegates; it was echoed from people should make a firm and energetic resistance to the right which parliament asserted, of taxing the colonies and regulating their internal policy.

On the day on which the committee met, the first intelligence of the action at Lexington, in Massachusetts, on the 19th of April, was received in Charlotte. This intelligence produced the most decisive effect. A large concourse of people had assembled to witness the proceedings of the committee. The speakers addressed their discourses, as well to them, as to the committee, and those who were not convinced by their reasoning, were influenced by their feelings, and all cried out, "let us be independent! let us declare our independence and defend it with our lives and fortunes!" A committee was appointed to draw up resolutions. This committee was composed of the men who planned the whole proceedings, and who

every quarter let us be Independent; let us declare ourselves free and Independent and we will defend it with our lives & fortunes — A Committee was immediately raised for the purpose of drafting Resolutions in obedience to the wish of the Delegates & the People present— who soon returned with the following which had been prepared some days before from the pen of Doctor Brevard:

Resolved That, whosoever directly or indirectly abets[1] or in any way form or manner, countenances[2] the unchartered and dangerous invasion of our rights as claimed by G^t^ Britain; is an enemy to this country, to America & to the inherent rights[3] of Man.

Resolved, That We the Citizens of Mecklenburg County do hereby dissolve the political bonds which have connected us with[4] the mother country; and do hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection contract or association with

had, already, prepared the resolutions which it was intended should be submitted to the general committee. Doctor Ephraim Brevard had drawn up the resolutions sometime before, and now reported them, with amendments, as follows:

"*Resolved*, That whosoever directly or indirectly abets, or in any way, form or manner, countenances the invasion of our rights as attempted by the parliament of Great Britain, is an enemy to his country, to America and the rights of man.

"*Resolved*, That we, the citizens of Mecklenburg county, do hereby dissolve the political bonds which have connected us with the mother country; and absolve ourselves from all allegiance to the British crown, abjuring all political connexion with a nation, that has wantonly

[1] The *Raleigh Register* copy has "abetted."
[2] The *Raleigh Register* copy has "countenanced."
[3] The *Raleigh Register* copy has "inherent and inalienable rights."
[4] The *Raleigh Register* copy has "to" instead of "with."

that Nation who have wantonly trampled on our rights and liberties and inhumanly shed the innocent blood of our American[1] Patriots at Lexington.

Resolved, That we do hereby declare ourselves a free and independent People are & of right ought to be a sovereign & self governing association under the power of God & the general Congress[2]; to the maintainance of which Independence we solemnly pledge to each other, our mutual cooperation, our lives our fortunes & our most sacred honor.

Resolved, That as we now acknowledge the existence and controul of no law or legal officer civil or military, within this county; we do hereby ordain and adopt as a rule of life, all and each of our former laws, wherin nevertheless the Crown of G. B. never can be considered as holding rights priviledges immunities or authority therein.

Resolved, That and it[3] is further decreed that all, each and every Military Officer in

trampled on our rights and liberties, and inhumanly shed the innocent blood of Americans at Lexington.

"*Resolved*, That we do hereby declare ourselves a free and independent people, that we are and of right ought to be a sovereign and self-governing people, under the power of God and the general congress; to the maintenance of which independence we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes and our most sacred honor.

"*Resolved*, That we do hereby ordain and adopt as rules of conduct, all and each of our former laws, and the crown of Great Britain cannot be considered hereafter as holding any rights, privileges or immunities amongst us.

"*Resolved*, That all officers both civil and military, in this county, be entitled to exer-

[1] The *Raleigh Register* copy has "of American."

[2] The *Raleigh Register* copy has "under the control of no power other than that of our God and the General Government of the Congress."

[3] The *Raleigh Register* copy has "That it."

this County is hereby reinstated to his former command and authority, he acting conformably to these regulations; and that every member present of this delegation shall henceforth be a civil officer viz a Justice of the Peace in the Character of a Committee man, to issue process, hear and determine all matters of controversy according to said adopted Laws, to preserve Peace, union[1] & harmony in s[d] County; and to use every exertion to spread the love of liberty & of country[2] throughout America untill a more general & organised goverment be established in this Province.

Resolved, That the foregoing resolutions, be adopted which was accordingly done unanimously, & that the Delegates sign their names to the same.

It was also resolved, that a copy of the resolutions should be transmitted by express to the Gen[l] Congress to be laid before that body by the representatives from the Province Viz Caswell Hooper & Hughes — a committee was appointed to select a proper person to be the bearer of the

cise the same powers and authorities as heretofore; that every member of this delegation shall henceforth be a civil officer, and exercise the powers of a justice of the peace, issue process, hear and determine controversies according to law, preserve peace, union and harmony in the county, and use every exertion to spread the love of liberty and of country, until a more general and better organized system of government be established.

"*Resolved*, That a copy of these resolutions be transmitted, by express, to the president of the continental congress, assembled in Philadelphia, to be laid before that body."

These resolutions were unanimously adopted and subscribed by the delegates.

[1] The *Raleigh Register* copy has "peace and union."

[2] The *Raleigh Register* copy has "the love of country and fire of freedom."

Resolutions who engaged the services of Cap[t] James Jack a Citizen of Charlotte; who accordingly set off and delivered the same — The President of Congress returned by Cap[t] Jack a polite answer to the address accompanying the resolutions, in which he highly approved of the measures entered into by the Delegates of Mecklenburg; but deemed it premature to submit the resolutions to Congress — The Representatives from the Province also sent a joint letter complimentary to the people of Mecklenburg & applauding their zeal in the common cause & recommending the same good order & perseverance which had marked their former conduct should be kept up & persevered in. [*They stated also*, "that the time would soon be, when the whole Continent would follow our example."—(*Joint certificate of Geo. Graham and others, Raleigh Register, Feb. 18, 1820.*)[1] "When the resolutions were finally agreed on they were publicly proclaimed from the court-house door" James Jack, then of Charlotte, but now residing in the state of Georgia, was engaged to be the bearer of the resolutions to the president of congress, and directed to deliver copies of them to the delegates in congress from North Carolina. The president returned a polite answer to the address which accompanied the resolutions, in which he highly approved of the measures adopted by the delegates of Mecklenburg; but deemed the subject of the resolutions premature to be laid before congress. Messrs. Caswell, Hooper and Hewes, forwarded a joint letter, in which they complimented the people of Mecklenburg for their zeal in the common cause, and recommended to them, the strict observance of good order; that the time would soon come, when the whole continent would follow their example.

On the day that the resolutions were adopted by the delegates in Charlotte, they were read aloud to the people, who had assembled in the town,

[1] The joint certificate of George Graham, Wm. Hutchison, Jonas Clark, and Robert Robison (State Pamphlet) was given at the request of Colonel Wm. Polk and substantiates his statements regarding the actors in the transaction.

—(*Captain Jack's certificate, Raleigh Register, May 26, 1820*), "under the shouts and huzzas of a very large assembly of the people."—(*Graham and others.*) "I was then solicited to be the bearer of the proceedings . . . . . and in passing through Salisbury, the General Court was sitting — at the request of the court I handed a copy of the resolutions to Col. Kennon, an attorney, and they were read aloud in open court. Major William Davidson, and Mr. Avery, an attorney, called on me at my lodgings the evening after, and observed they had heard of but one person, (a Mr. Beard) but approved of them."—(*Captain Jack's certificate.*)]

In addition to the foregoing resolutions, a number of other resolutions & bye laws were adopted — Courts of Justice were held by & under the direction of the Delegates — for some months these Courts held their sittings at Charlotte, but for the better convenience of the people two other places were selected at which & at Charlotte the court met alternately.

A Committee of safety was selected from the whole Dele-

and proclaimed amidst the shouts and huzzas, as expressing the feelings and determination of all present. When captain Jack reached Salisbury, on his way to Philadelphia, the general court was sitting, and Mr. Kennon, an attorney at law, who had assisted in the proceedings of the delegates at Charlotte, was then in Salisbury. At the request of the judges, Mr. Kennon read the resolutions aloud in open court, to a large concourse of people; they were listened to with attention and approved by all present.

The delegates at Charlotte being empowered to adopt such measures, as in their opinion would best promote the common cause, established a variety of regulations for managing the concerns of the country. Courts of justice were held under the direction of the delegates. For some months these courts were held at Charlotte ; but for the convenience of the people, (for at that time Cabarrus formed part of Mecklenburg,) two

gation, to whom was given power to examine all persons brought before them who were charged or suspected of being inimical to the cause of freedom & the safety of the Country — This Committee was delegated with authority from the Gen! Delagation to send the Military of the County to bring before them persons living in adjacent Counties charged with toryism or inimical to the cause of Liberty, & they in the plentitude of this power sent into Lincoln & Rowan Counties & and brought from them divers persons charged as afores[d]— to such as shewed penitence & took an oath to support the cause of Liberty & the Country were set at Liberty—others were sent under guard into S° Carolina for safe keeping — among the latter were John Dunn & Benj[a] Boothe Boote two Lawyers of Salisbury. — It was unquestionably owing to the early exertions of this band of Patriots & to the measures entered into at the meeting of the Delegates on the 19[th] of May ; that the future unanimity & exertions of the People of Mecklenburg in the cause of liberty & independ-

other places were selected, and the courts were held at each in rotation. The delegates appointed a committee of their body, who were called "a committee of safety," and they were empowered to examine all persons brought before them charged with being inimical to the common cause, and to send the military into neighboring counties to arrest suspected persons. In the exercise of this power, the committee sent into Lincoln and Rowan counties, and had a number of persons arrested and brought before them. Those who manifested penitence for their toryism, and took an oath to support the cause of liberty and of the country, were discharged. Others were sent under guard into South Carolina for safe keeping. The meeting of the delegates at Charlotte and the proceedings which grew out of that meeting, produced the zeal and unanimity for which the people of Mecklenburg were distinguished during the whole of the revolutionary war. They became united as a band of brothers, whose confidence in each other, and the cause which they had sworn to support, was never

dence, was so remarkable — it united them into a band of Brothers, whose confidence in each other & the cause they had sworn to support; was never shaken; even in the worst of times —

shaken in the worst of times.

The truth is apparent on the face of these papers. It is confirmed by another account of the Mecklenburg Declaration, written by Judge Murphey, which contains passages substantially the same as some of these found in the Polk manuscript and literally the same as passages in the Martin account. This is the revised Polk narrative in condensed form, and probably the account of the Mecklenburg Declaration which Judge Murphey intended to use in his history of North Carolina. It was undoubtedly written before Martin's book was published, in the autumn of 1829, for Murphey had by that time virtually abandoned his historical work. An extract from the original manuscript, which cannot now be found, was published by John H. Wheeler, the North Carolina historian, in *Our Living and Our Dead*, for January, 1875. Wheeler prefaced it as follows: "In our explorations of the field of history we have met the unpublished manuscript of an able, learned and distinguished son of North Carolina, now dead, late Archibald D. Murphey. He was in the councils of the State from 1812–18, and for some years a judge. He was a devotee to history and collected a large mass of information which he did not live to publish. We extract the following." Wheeler does not reproduce the resolutions in the Murphey manuscript,

but says at the place where they should appear, "Here are quoted the identical resolutions of May 20, already given." The resolutions referred to are those printed in the State Pamphlet; but Wheeler is perhaps as inaccurate a historian as ever wrote when the facts were actually before him. It is not unlikely, however, that Judge Murphey decided to use the Davie (*Raleigh Register*) copy of the resolutions in his history of North Carolina instead of the polished edition which he published in 1821.

Dr. George W. Graham and other recent pro-declaration writers tell us there was still another historian who copied the document from the much discussed *Cape-Fear Mercury*, or, at least, from a paper of earlier date than the Davie copy. Major Alexander Garden, who served under "Light Horse Harry" Lee, published nearly a year before Martin's history appeared, in his *Anecdotes of the American Revolution*, a copy of the Mecklenburg Declaration which agrees *verbatim et literatim* with Martin's but for six minor discrepancies. The discrepancies are to be attributed to mistakes in printing or transcribing. Garden's copy has two words less than Martin's, two words different from the corresponding ones in Martin's, a word misplaced, and a word written in the plural which is in the singular in Martin's. Garden's story of the declaration is little more than an abridgment of Martin's, whole sentences in the two narratives being literally the same. Both were derived therefore from a common source. We conclude with Dr. Graham that this applies likewise to the resolutions. Garden also drew upon an article

on the Mecklenburg Declaration which appeared in the *Charleston Mercury* of July 4, 1828, over the name of "Guilford." His book was published in Charleston, where he resided, in November following. The Garden "anecdote," a part of the abbreviated Murphey narrative printed by John H. Wheeler, and extracts from the opening and closing paragraphs of "Guilford's" article are placed below in parallel columns. A glance will show that the former are both condensed forms of the revised Polk narrative which Martin reproduced, and that "Guilford's" article furnished Garden with additional matter.[1] Passages in the Murphey and Garden narratives which are to be found *verbatim et literatim*, or nearly so, in Martin's, are italicized.

Murphey and Guilford.

Boston has been emphatically styled the cradle of American Liberty; and to Massachusetts doubtless belongs the merit of having given the first impulse to that spirit of resistance

Garden.

It is a compliment richly due to our sister State of North-Carolina, to mention an important fact, which, however redounding to her credit, is even at this period but little

[1] "Guilford" prepared his story of the Mecklenburg Declaration from "J. McKnitt's" publication. His resolutions are slightly different from "J. McKnitt's," but they were undoubtedly intended to be a true copy. For "Guilford's" article the writer is indebted to Mr. A. S. Salley, Jr., who also pointed out its resemblance to the Garden narrative and ascertained the month of the publication of Garden's book by these facts: "In the first part of the book there is a letter from Major Garden to Gen. Thomas Pinckney, dated October 12, 1828, and to this Major Garden adds a note referring to the death of Gen Pinckney. Gen. Pinckney died on the 2d of November. The copyright to the book, printed on the reverse of the title-page, was issued by the clerk of the United States District Court at Charleston on the 17th of November. The Library of the University of South Carolina has a copy dated 'November 27, 1828' on the cover."

which led to the emancipation of the American Colonies. . . . Yet, while Massachusetts and Virginia equally contend for the credit of having first given birth to the spirit of the Revolution, and while we accord to each the merit which is especially due to them; to the State of North Carolina must be conceded the honour of having first adopted a formal and decisive declaration of Independence. The History of this important event never having been given to the world except in a cursory manner by the learned Doctor Caldwell in his life of Greene, the fact itself is little known and but imperfectly understood, tho' its authority is established both by the existence of the minutes of the meeting which are still extant in the handwriting of the Author and mover of these resolutions, which have been happily observed by a near relative of his, as well as by the testimony of a few of the survivors of the revolution, who still reside in that part of the country.—[" *Guilford.*"]

In no part of the province of North Carolina was there such zealous opposition to the pretensions of the mother country as was in the county known to the citizens generally of the United States.

The town of Boston has been, with great propriety, styled "the Cradle of the Revolution." The opposition of its inhabitants to the encroachments of Great Britain first roused the Colonists to a just sense of the injuries meditated against their liberties, and fixed their resolution to repel force by force. Yet it will forever redound to the honour of North-Carolina, that it was among her people that the bold idea of Independence was first conceived and proclaimed to the world. The tyrannical measures pursued by the officers of the Crown: the iniquities practised by those of the courts of justice, produced a general spirit of discontent as early as the year 1768.

But it was in Mecklenburg County that a zealous opposition to the pretensions of the mother country, and a determination to resist the agres-

of Mecklenburg *in the months of March and April*, 1775. *The leading men in the county held meetings to ascertain the sense of the people and to confirm them in their opposition to the claims of Parliament to impose taxes and regulate the internal policy of the colony. At one of these meetings it was agreed that Thomas Polk, the Colonel Commandant of the county, should issue an order directed to each captain of militia to call a company meeting and elect two delegates from each company to meet in general committee at Charlotte, on May 19, 1775, giving these delegates ample power to adopt such measures as to them should seem best.* The committee met. Dr. Brevard and William Kennon addressed the meeting. The question was formally put whether it was then expedient for the people of Mecklenberg county to declare themselves independent. It was decided unanimously in the affirmative. *A committee was appointed to present resolutions*, which were as follows: [" *Here*," *says John H. Wheeler*, " *are quoted the identical resolutions of May 20th, already given. Judge Murphey continues:* "] —[*Murphey.*]

sions of power were first decidedly manifested. *The leading men held meetings to ascertain the sense of the people, and to confirm them in their opposition to the claim of Parliament to impose taxes, and regulate the internal policy of the Colony.* The Post Commandant of the county was, on one occasion, directed to issue orders to each captain of the militia, *to elect two delegates from his company, to meet in general committee at Charlotte*, the better *to adopt such measures as should seem best calculated to promote the common cause, of defending the right of the Colony, and of aiding their brethren in Massachusetts. The order was issued, and delegates elected*, who met at Charlotte on the 19th of May, 1775. On that day, the first intelligence of the commencement of hostilities at Lexington, was received by the committee. *Its effect was decisive.* The universal cry was, " *Let us be independent—let us declare our independence and defend it with our lives and fortunes.*" Resolutions were immediately drawn up and adopted. Dr. Brevard, who framed them, had the honour to report them. also—they were to this effect:

[*Here is inserted an almost perfect reproduction of the Martin copy of the declaration.*]

The singular identity of language and sentiment of these Resolutions, with those of the Declaration of Independence drawn up by Mr. Jefferson, more than a year afterwards, afford a subject of envious remark. In force and elegance of expression, and in purity of principle, they are alike honourable to the distinguished gentleman who framed them, as they are to the convention, which in the language of the Resolutions "pledging to each other their mutual Cooperation, their lives, and their fortunes, and most sacred honour," in their wisdom adopted and under favor of God and their consciences, at the hazard of their lives, their liberties, and all that was dear, supported. The events which followed this memorable declaration in that section of the country, which was alike the subject of foreign invasion and civil war, would afford abundant interesting material for the historian and we are much gratified to perceive that a history of the State is now in a state of forwardness, under the

I think it scarcely possible to read these Resolutions, without perceiving how strong the similarity of sentiment expressed in the Declaration of Independence, introduced by Mr. Jefferson, at an after period into Congress. Even the expressions are, in many instances, literally the same, in so much as to give conviction, that the Mecklenburg Resolutions were constantly in view, when the Committee of Congress drew that momentous document, which we consider as the palladium of our lives and liberties.

This early manifestation of patriotic enthusiasm, never knew diminution; a steadiness of principle characterized the inhabitants of Mecklenburg county throughout the whole war. It was there that supplies were, with the greatest liberality, bestowed on the soldiers fighting the battles of their country—that the hospitals were best protected, and comforts afforded the sick. It was there that the enemy met with constant and decided opposition, and that they were

direction of a gentleman whose talents and industry amply qualify him to do justice to the subject.—"*Guilford.*"

so incessantly harassed at every turn, and in every situation which they occupied, that Charlotte was emphatically styled by them—"*the Hornets' Nest.*"

It will be seen that Garden's last paragraph is a brief summary of facts stated in the concluding portion of the Polk manuscript and mostly omitted by Martin when he copied Murphey's published account. Murphey's second revision of the Polk narrative, which he seems to have written for his proposed history of North Carolina, contained a fuller statement than Garden gave. Wheeler's extracts from his manuscript, continued from where they were left off, are as follows[1]:

The resolutions were unanimously adopted and subscribed to *by* all *the delegates. Captain James Jack, then of Charlotte,* but since of Georgia, *was engaged as the bearer to the President* of the Continental *Congress, and directed to deliver copies to* Caswell, Hooper, and Hewes, *the delegates to Congress from North Carolina.* . . . These delegates prudently advised that no open opposition should be made by the inhabitants of detached portions of the country before the proper season, when the whole would rise together. This advice, dictated by wisdom, was observed by the people of Mecklenburg, and it was no doubt owing to this fact that so little of this curious history is known to the world. . . . The Declaration of Mecklenburg derives its importance from its consequences, for this event not only influenced but determined the fate of the Revolution in the Southern States. It *produced that zeal and unanimity for which the people of Mecklenburg and Rowan were distinguished during the whole* contest. *They became united as one band of brothers,* had *confidence in the cause they vowed to sup-*

[1] The italicized portions are in the words of the so-called Martin copy.

port, which faith *was never shaken* in the darkest hour of the long and dubious contest. They opposed the first barrier to the British forces flushed with the conquest of Georgia and South Carolina. Gates being defeated, there was not a Continental soldier between Camden, South Carolina, and Hillsboro'. A mere handful of the brave men of Mecklenburg disputed the possession of Charlotte, and while there the pickets and foraging parties of the invaders were constantly fired upon. After Cornwallis' retreat from Charlotte, which his legionary Colonel, Tarleton, with as much truth as wit, pronounced to be an agreeable village, but a decidedly rebellious place, these men, unawed by force and undismayed by reverses, rapidly recruited the shattered corps of Sumpter, Davie, and Washington; rallied to the standard of Greene and fought gallantly at Cowpens, Eutaw and elsewhere. . . . It thus is clear that the declaration at Charlotte becomes one of the most important events of the American Revolution. The spirit it excited sustained the cause in the Southern States. It formed a nucleus around which valor might rally.

If further evidence were wanting in order to prove that Martin and Garden copied the revised Polk narrative and resolutions, it might be pointed out that both of these men were friends of Colonel William Polk,[1] that Martin was in communication with Murphey shortly before his work was published, and that he read the North Carolina newspapers. Martin says in his preface that he thought of abandoning his work on account of the following circumstance:

"The public prints stated, that a gentleman of known industry and great talents, who has filled a very high office in North Carolina, was engaged in a similar work; but several years have elapsed

[1] Geo. W. Graham: *The Mecklenburg Declaration.*

since, and nothing favors the belief that the hopes which he excited will soon be realized.

"This gentleman had made application for the materials now published, and they would have been forwarded to him, if they had been in a condition of being useful to any but him who had collected them."

No one but Judge Murphey was spoken of at this time as the author of a forthcoming history of North Carolina. The editor of the *Raleigh Register* said in his issue of November 11, 1825: "If Judge Martin does not intend to finish his work, it is much to be wished that his materials could be procured and placed in the hands of Mr. Murphey." On seeing the announcement of the publication of Martin's work, he said (September 10, 1829) that he "supposed he had relinquished his intentions on this subject, or postponed them, in view of the contemplated work by Judge Murphey." In an unpublished review of Martin's history, Joseph Seawell Jones, the historian, stated that the remarks in Martin's preface referred to Judge Murphey, with whom Jones was well acquainted. He significantly said: "There is not in his whole book a single original view of any point or period in the history of the State."[1]

[1] Jones's manuscript, bearing his signature, is in the Bancroft Collection ("Am. Colonies," vol. i.), in the N. Y. Pub. Lib. It was written shortly after the publication of Martin's work.

CHAPTER XI

TESTIMONY OF THE WITNESSES

We have traced the origin of the myth of the Mecklenburg Declaration of Independence and of the several forms of the declaration which is alleged to have been adopted May 20, 1775, and we have treated all the evidence of earlier date than 1819, the year in which that document was first given to the world in the columns of the *Raleigh Register*, which is cited in support of its authenticity. It remains to make a critical analysis of a neglected part of the testimony of the aged men who stated between 1819 and 1830 that they had been present in Charlotte when a declaration of independence was agreed upon. Our study of contemporaneous records has shown that the most significant facts which were associated in the recollection of these men with the passage of the resolutions which they understood to be a declaration of independence are peculiar to the resolutions of May 31, 1775. Their statements concerning the declaration itself, its date, and the disputed secretaryship of the meeting that is alleged to have passed it, must now be considered.

In virtue of the proof afforded by the original

Davie paper that the resolutions published in 1819 proceeded from John McKnitt Alexander, and in virtue of the testimony which he published in the State Pamphlet, Governor Montfort Stokes, of North Carolina, under the authority and direction of the General Assembly, affirmed these resolutions to be genuine and authentic. It is difficult to understand how John McKnitt Alexander's certificate to the Davie paper could have been thus overlooked, or misconstrued and suppressed. The certificate could not have been missing when the Davie paper was submitted to the legislative committee of 1830–31, for Professor Charles Phillips, after inspecting it in 1853, said that the certificate formed the "conclusion to the manuscript"—not a separate sheet.[1] We venture to suppose that Dr. Joseph McKnitt Alexander, Governor Stokes, and the legislative committee, wishing to view the matter in the most favorable light, judged that when John McKnitt Alexander said that the "foregoing statement, though fundamentally correct, may not literally correspond with the original record," he referred to the historical statement which accompanied the resolutions in the Davie paper,[2] and that if he referred also to the resolutions, he meant that they were taken from a transcript of the original record, carelessly made, perhaps, and that he would not vouch for their literal correctness, because he could not compare them with the records.

[1] *N. C. Univ. Mag.*, May, 1853.

[2] John H. Wheeler construes the certificate thus in his *Reminiscences of N. C.*, 266.

The manuscript "in an unknown handwriting," from which Dr. Joseph McKnitt Alexander prepared the resolutions published in 1819, and which he certified in 1830 to be "most probably a copy taken long since from the original for some person—corrected by Jno. McKnitt Alexander," was "so perfectly the same" as the Davie paper, as far as the latter was preserved, that the genuineness and authenticity of the published resolutions was held to be unquestionable.

Not one of the thirteen survivors of May, 1775, whose testimony appears in the State Pamphlet, manifests the slightest knowledge of John McKnitt Alexander's certificate to the Davie paper. During the period in which this testimony was given, the only recorded evidence that any one in North Carolina doubted whether the published resolutions were verbally correct is contained in some lost newspaper articles by an unknown writer, published about 1830,[1] and in the manuscript narrative of the fourteenth witness, Colonel William Polk, written in August, 1819, more than a year before the Davie paper was found.[2] Those among the aged de-

[1] W. H. Foote, *Sketches of N. C.*, 207. Foote's statements seem to imply North Carolina newspapers of 1830.

[2] Evidences of prevailing ideas are abundant. In an address delivered in Mecklenburg, July 5, 1824, Dr. M. W. Alexander said that the Alexander document contained "the proceedings of the meeting as drawn and certified by their clerk." A writer in the *Charleston Mercury* of July 4, 1828, said that "the fact itself is little known and but imperfectly understood, tho' its authority is established both by the existence of the minutes of the meeting which are still extant in the handwriting of the Author and mover of these resolutions, which have been happily observed [preserved] by a near relative of his," etc.

ponents who saw the resolutions published in 1819 before they gave their testimony were betrayed into the error of believing that they had been copied from the records which were destroyed in Alexander's house in 1800; and it was inevitable that some should have been forced to believe that the historical statement which accompanied the resolutions was prepared by Alexander with the aid of the records, and that others should have accepted and accredited as true anything which they did not distinctly perceive to be false. Indeed, the careless reader who does not observe that the historical statement relates events which occurred long after May 20, 1775, might suppose that the entire paper, being dated, in the usual way, "North-Carolina, Mecklenburg County, May 20, 1775," is an official report made on that day. Here, then, were fourteen men, laboring under the weight of years, who were called upon to testify on the strength of mere memory, after a lapse of nearly a half century or more, concerning the peculiar phraseology, or exact import, or both, of a series of resolutions which most of them had heard read but once, from the steps of the courthouse in Charlotte. All were very young men or boys in May, 1775, and likely to have been among the first who transfigured the Mecklenburg resolves of May 31, 1775, into a declaration of independence. Here were a series of resolutions, without a rival, which purported to be *the* declaration made in May, 1775, accompanied by a narrative of events which these men had associated with the resolutions

which they had in mind. The document was certified by the son of the last custodian of the records of May, 1775, to be a true copy of papers left in his hands by his father, and the greater number of the aged witnesses were virtually told that these were the resolutions which they had heard read, and that May 20, 1775, was their date, or that John McKnitt Alexander, their late honored compatriot, was a forger and a liar. All gave their testimony in answer to leading questions. And yet, notwithstanding the strong prepossessions under which they labored, the paper of May 31, 1775, reasserted its hold upon their memories even in their statements concerning the terms of the resolutions which they called a declaration of independence.

General Joseph Graham, though but fifteen years of age in May, 1775, described the great meeting of that month with extraordinary particularity. He wrote in 1830, fifty-five years later, at the request of Dr. Joseph McKnitt Alexander. The facts to which he certified explode the very hypothesis they were cited to confirm, and explain the origin of the remarkable assumption expressed in the preamble of the May 31st resolves, under which these resolves proceeded. General Graham stated that one of the "reasons" for declaring independence was "that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown." He distinctly recollected, he said, that after a committee of three had retired from the courthouse to

draft the declaration, a member of the Committee of Safety "addressed the Chairman as follows: 'If you resolve on independence, how shall we be absolved from the obligations of the oath we took to be true to King George the 3d about four years ago, after the Regulation battle, when we were sworn whole militia companies together?'" "This speech produced confusion," wrote General Graham. "Some said it was nonsense; others that allegiance and protection were reciprocal," and that, as the King had declared them out of his protection, the oath was no longer binding. The "reason" for declaring independence stated by General Graham is substantially the professed "reason" for which the Mecklenburg committee on May 31, 1775, refused to support any government under the crown of Great Britain. The preamble of the May 31st resolves reads: "Whereas by an Address presented to his Majesty by both Houses of Parliament, in February last, the American colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King or Parliament, are annulled and vacated, and the former civil constitution of these colonies, for the present, wholly suspended." The address of Parliament referred to was presented to the King February 7, 1775. It did not, as General Graham recollected, declare the Colonies out of the protection of the British crown, but only that "a part of your Majesty's subjects in the province of the Massachusetts Bay have proceeded so far to resist the authority of the supreme

legislature, that a rebellion at this time actually exists within the said province; and we see with the utmost concern that they have been countenanced and encouraged by unlawful combinations and engagements entered into by your Majesty's subjects in several of the other colonies, . . ."[1] It is evident that the Mecklenburg patriots had some strong motive which is not apparent on the face of their bold resolves for giving them a color of legality by construing the sentence of rebellion passed on Massachusetts to fall also on themselves. No colony, not even Massachusetts, dared to express the conception of the civil status created for the colonies by Parliament's address of February 7, 1775, which these men formulated. General Graham's testimony shows very clearly that the preamble of the May 31st resolves, with its strained construction of that address, was designed primarily as a shield for the tender consciences of those who took the oath[2] "to be true to King George the 3d," as he describes it, which was exacted by Governor Tryon after the Regulator insurrection in 1771. With his recollections of the charge of re-

[1] Hansard's *Parliamentary History of England*, xviii., 297.

[2] The precise terms of this oath are unknown. It is usually spoken of as an oath of allegiance, but it must have been something more than that in order to have answered its purpose. Prof. Charles Phillips, who had access to Governor Swain's great collection of North Caroliniana, called it an oath "not to disturb his Majesty's government again" (*N. C. Univ. Mag.*, May, 1853). Prof. Wm. E. Dodd speaks of it in his *Life of Nathaniel Macon* as an "iron-clad oath of allegiance." Rev. Francis L. Hawks, who had richer and more valuable materials than any other North Carolina historian, says that it was an oath "'never to bear arms against the King, but to take up arms for him, if called upon.'" He seems to have quoted the words of the oath itself."—*Dr. Hawks's Lecture, Cooke, 63.*

bellion and consequent suspension of royal authority, which practically involved a suspension of allegiance, General Graham identified the principle of the reciprocity of protection and allegiance, which was commonly urged as an argument for declaring independence after the King's proclamation of August 23, 1775, declaring many subjects in divers parts of the Colonies to be in open and avowed rebellion, and the King's assent to the Act of Parliament declaring them out of his protection.[1] While General Graham stated that the meeting which adopted the supposed declaration was held May 20, 1775, and that the resolutions which he heard were "as near as I can recollect, in the very words we have since seen them several times in print," his testimony concerning the resolutions themselves, as well as concerning a variety of facts and circumstances attending their adoption which we have already considered, prove that he confounded his recollections by identifying them with the simulated document.

The testimony of John Simeson is not less significant than General Graham's. Simeson was twenty-one years old when the event of which he wrote occurred. After conversing, he said, "with many old friends and others," and evidently after his mind was preoccupied by the publications made on the subject, he wrote from his home in Mecklenberg county, January 20, 1820: "As to the names of those who drew up the Declaration, I am inclined

[1] Compare Graham's statement with the opening words of the constitution of N. C.

to think Doctor Brevard was the principal, from his known talents in composition. It was, however, in substance and form, like that great national act agreed on thirteen months after. Ours was towards the close of May, 1775. In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer and Joseph Kennedy. I was under arms near the head of the line, near Col. Polk, and heard him distinctly read a long string of Grievances, the Declaration and Military Order above." John Simeson recollected nearly the precise terms of the military order which forms the last of the "long string" of resolutions which he was struggling to recall. The true "Mecklenburg Declaration of Independence" concludes as follows:

"XX. That the Committee appoint Colonel Thomas Polk, and Doctor Joseph Kenedy, to purchase 300 lb. of powder, 600 lb. of lead, 1000 flints, for the use of the militia of this county, and deposit the same in such place as the Committee may hereafter direct.

"*Signed by order of the Committee,*

"EPH. BREVARD,

"Clerk of the Committee."

Simeson erred only in adding the name of John Phifer to the number of those mentioned in the military order. But his error was a likely one, for it appears that John Phifer actually received the military stores purchased under the order. On December 22, 1775, the Provincial Council of North

Carolina resolved that Jeremiah McCaffety be paid for "two hundred and ninety-seven pounds and three-quarters of a pound of Gun powder taken and received by Colonel Thomas Polk and Major John Phifer."

The testimony of the Rev. Humphrey Hunter is contained in an extract from his memoir, as it is entitled in the State Pamphlet, which consists of little more than an abridgment of the published Alexander narrative, a transcript of the accompanying resolutions, and a list of "delegates" prepared from the address of Dr. Moses Winslow Alexander, delivered in Hopewell church, Mecklenberg county, July 5, 1824.[1] "The memoir is dated 1827," said Romulus M. Saunders in 1852, after examining the original then in the possession of Governor Swain, "and appears to be a response to a request made by Dr. Alexander, . . ."[2] Hunter was barely twenty years of age when the memorable event occurred. Even he, blindly following the Alexander narrative, showed that the paper of May 31, 1775, was in his thoughts. He wrote: "Those resolves [the Alexander series] having been concurred in, bye-laws and regulations for the government of a standing Committee of Public Safety were enacted and acknowledged." This is an accurate reminiscence of the substance of all the resolves of the paper of May 31, 1775, which

[1] *Catawba Journal* (Charlotte), Oct. 19, 1824. Republished in the *Southern Home* (Charlotte), May 10, 1875, and *Charlotte Observer*, May 20, 1906.

[2] Address at Wake Forest College, N. C. *Cf.* Prof. Phillips in *N. C. Univ. Mag.*, May 1853.

follow the resolves analogous to a declaration of independence. Hunter took it for granted that it was on May 20, 1775; that the declaration, the by-laws, and the regulations were read to the assembled multitude by Colonel Thomas Polk; but he would undoubtedly have scorned the suggestion that substantially the same measures were adopted at two meetings held eleven days apart.

Colonel William Polk, a son of Colonel Thomas Polk, was the first to prepare his statement after the publication of the supposititious document in 1819, the most active in collecting testimony to support its authenticity, and the most circumstantial in his account of the events of 1775. Colonel Polk was a youth of sixteen in May, 1775. He used the Alexander narrative freely in preparing his own, and copied the Alexander resolutions from a manuscript copy given him by Dr. Joseph McKnitt Alexander which he could not vouch to be "in the words of the Committee who framed them." After scraping his memory to make room for these resolutions, Colonel Polk recollected:

> In addition to the foregoing resolutions, a number of other resolutions & bye laws were adopted. Courts of Justice were held by & under the direction of the Delegates. . . . . A Committee of Safety was selected from the whole Delegation, to whom was given power to examine all persons brought before them who were charged or suspected of being inimical to the cause of freedom & the safety of the Country.

This was the formal work of the meeting held on May 31, 1775. But we are not left merely to inferential reasoning in order to affirm that the material

facts stated in Colonel Polk's narrative were recollected by John McKnitt Alexander and not by himself. John Simeson wrote to Colonel Polk, January 20, 1820, in reply to a request for information: "Yourself, sir, in your eighteenth year and on the spot, your worthy father, the most popular and influential character in the county, and yet you cannot state much from recollection!"

George Graham, William Hutchison, Jonas Clark, and Robert Robison united in a single deposition, which was given at the request of Colonel William Polk and published February 18, 1820. Two of them were seventeen and two about twenty-four years of age on the remote occasion of which they wrote, yet their joint certificate involves many minute details, and was evidently written by some one who tried to group together all that was known on the subject. The use of the terms "delegate" and "delegation" for "Committee" and "Committee-man" shows how closely the Alexander narrative was adhered to. Although they assent to the date of May 20, 1775, these four witnesses aver that at the time when the declaration was adopted "a Committee of Safety for the county were elected, who were clothed with civil and military power, and under their authority several disaffected persons" were arrested, tried, and deported. The ordinances to this effect were adopted at the meeting of May 31, 1775.

The foregoing eight witnesses are the only ones among the fourteen summoned who confessed to any recollection concerning the terms of the reso-

lutions which they understood to be a declaration of independence. The certificates of these eight, with the exception of John Simeson's, bear internal evidence of having been prepared with the aid of the narrative and resolutions published in 1819. All eight, with the very significant exception of John Simeson, stated that the declaration was made May 20, 1775. Simeson had evidently seen the resolutions in the *Raleigh Register* of April 30, 1819, but forgot their date so soon afterwards that in January following he could only say that the resolutions which he had in mind were passed "towards the close of May, 1775."

Of the remaining six witnesses, Isaac Alexander, writing in 1830—after May 20, 1775, had become commonly known as the date of the declaration and its anniversary celebrated—alone repeated that date. Among the five who could not give the exact date were the men most likely to have remembered it if any could have done so without refreshing their memories by a sight of the published document—Captain James Jack, the bearer of the resolutions which all had in mind to the Continental Congress, and John Davidson, the sole surviving member of the body that adopted them who testified.[1] Captain Jack, writing from his home in Georgia in December, 1819, said that he had "seen in the newspapers some pieces respecting the

[1] Another member, David Reese, is referred to in the *Western Carolinian* (Salisbury, N. C.) of May 17, 1825, as then living in Cabarrus County. Lyman C. Draper, however, believed that the reputed "signer" of that name died in 1787.

Declaration of Independence by the people of Mecklenburg county, in the State of North Carolina, in May, 1775." He could not, however, trust his memory to supply even the month in which the declaration was made, for he stated that he set out for Philadelphia "the following month, *say* June." Neither could John Davidson, a reputed "signer" of the declaration, although he wrote as late as 1830, and must have heard it stated many times during the previous decade. But "being far advanced in years," wrote Davidson, "and not having my mind frequently directed to that circumstance for some years, I can give you but a very succinct history of the transaction. . . . I am confident that the Declaration of Independence by the people of Mecklenburg was made public at least *twelve* months before that of the Congress of the United States."

Rev. Francis Cummins, of Georgia, seems to have been the only witness who testified before he had seen the publication of 1819. He was a student in Charlotte in May, 1775. Captain Jack said in 1819 that Cummins was "as well, or perhaps better acquainted with the proceedings of that time than any man now living." But in November, 1819, Cummins could not state with certainty even the year in which the declaration was promulgated. His imperfect memory told him that before it was adopted he and many others in Mecklenburg "abjured allegiance to George III. or any other foreign power" before magistrates, and a subsequent declaration of independence was therefore entirely

in keeping with his confused recollections of the trend of sentiment toward independence at that period. "At length," he wrote, "in the same year, 1775, I think, at least positively before July 4, 1776, the males generally of that county met on a certain day in Charlotte, and from the head of the Court house stairs proclaimed independence of English Government, by their herald, Col. Thomas Polk."[1] Samuel Wilson, in an undated certificate, said that the "committee or delegation" declared independence "in May, 1775." James Johnson, in 1827, also gave the date as "May, 1775." From the testimony of these six Mecklenburg fathers who could not remember the date, it certainly seems most probable that not one of the eight who testified to the date of May 20, 1775, ever associated that date with the resolutions which they understood to be a declaration of independence before the Alexander paper was published in 1819. If there was such a one, it cannot be shown that he did not learn that date in 1800 or later, directly or indirectly from John McKnitt Alexander.

With respect to the disputed secretaryship of the meeting which is alleged to have declared independence, the preponderance of the testimony of the fourteen witnesses is still more emphatically against the accuracy of John McKnitt Alexander's remi-

[1] Cummins reiterated his statement in a pamphlet containing a sermon delivered by him July 4, 1819, published in Greensboro, Ga., in the same year. The pamphlet is noticed in the *N. C. Univ. Mag.*, October, 1859, ix., 181. As the reference to the Mecklenburg Declaration is in the form of a note to pages 17 and 18 and mentions the month in which the declaration was made, which Cummins could not recollect in November, 1819, the note was no doubt written, and the pamphlet published, at a later date.

niscences. When we consider the circumstances under which they testified, it is surprising that half their number should have controverted Alexander's statement that he acted as secretary to the meeting, and named in that relation Ephraim Brevard, the recorded secretary of the meeting of May 31, 1775. As soon as Colonel William Polk saw the Alexander paper in 1819, he assured the editor of the *Raleigh Register*[1] "of the correctness of the facts generally, tho' he thought there were errors as to the name of the Secretary, &c., and said that he should probably be able to correct these, and throw further light on the subject by inquiries amongst some of his old friends in Mecklenburg County." In the paper which he wrote in August, 1819, the month in which the editor of the *Raleigh Register* first announced this fact, Colonel Polk maintains that his father, not Adam Alexander, was the colonel commandant of Mecklenburg who issued the order for the meeting, and that Ephraim Brevard, not John McKnitt Alexander, acted as secretary; and he shows that he doubted whether Abraham Alexander was chairman. Six witnesses, including Isaac Alexander, a cousin of John McKnitt Alexander, confirmed Colonel Polk's recollections concerning the secretaryship of the meeting. Seven also recollected as he did that Ephraim Brevard was author of the declaration of independence. General Joseph Graham alone certified to the presence of John McKnitt Alexander as sole secretary of the meeting. As in the case of a witness who said that

[1] *Raleigh Register*, Feb. 18, 1820.

the body which adopted the declaration was a "committee or delegation," Humphrey Hunter sought to reconcile his own recollections with those of John McKnitt Alexander by designating both Brevard and Alexander as secretaries. In the records of the committees of the Revolutionary period organized under the articles of American Association we find no instance of a dual secretaryship. Alexander was probably secretary of the Mecklenburg committee shortly before or after the meeting referred to in his narrative.

As six witnesses stated positively, with Colonel William Polk, that Thomas Polk, not Adam Alexander, issued the order for the meeting which is said to have declared independence, the editors of the State Pamphlet substituted Polk's name for Alexander's in their purported reprint of the paper published in the *Raleigh Register* of April 30, 1819. At the head of the reprinted paper stands the reference to the *Raleigh Register* in the usual form, but no mention or explanation of this unwarrantable liberty is made. The same alteration was made in the original manuscript in an unknown handwriting.

The story of the signing of the Mecklenburg Declaration of Independence was probably copied, like the declaration itself, from what was done at Philadelphia in 1776. John McKnitt Alexander failed to record it in his account of the proceedings of the famous meeting. The story seems to have originated in 1819. Colonel William Polk and the joint certificate of four survivors of May, 1775, which was prepared at his instance, stated that the

declaration was subscribed by all the members of the body that passed it; but no other witnesses confirm them, not even John Davidson, one of the reputed "signers." Colonel Polk's manuscript gives the names of fifteen "delegates" to the meeting, the joint certificate seven others, and John Simeson's letter two others. A list of these twenty-four, with the addition of the name of Henry Downs, is contained in the address of Dr. Moses Winslow Alexander, delivered July 5, 1824. As fifteen of the names in the list are nearly in the same order in which they were recollected by Colonel Polk, and as two of these fifteen are not mentioned in any certificate of earlier date than Dr. Alexander's address except Colonel Polk's, it is likely that the list was first published by Judge Archibald DeBow Murphey with the revised Polk narrative in the lost *Hillsboro Recorder* of March, 1821. Rev. Humphrey Hunter's autobiography, written in 1827, enumerates these twenty-five names and adds that of Richard Harris, Sen. Hunter changed their order to make them, "according to my best recollection and belief," he said, "as they were placed on the roll"! The "official" list of "Delegates Present," published in the State Pamphlet, is a copy of Dr. Moses W. Alexander's with the addition of the name of Richard Harris, Sen., which should have been Robert Harris.

In a letter to Colonel Paul B. Means, dated May 15, 1879, Professor Charles Phillips said[1]:

[1] *May, 1775*, 26. This pamphlet, published in Greensboro, N. C., in 1887, was suppressed for typographical blunders.

Governor Swain had another manuscript which he would not let me publish. It purported to be a list of the delegates to the meeting of May 20th, 1775, but not of contemporary authority. It had been doctored in several places—names having been struck out and others of the Alexander family and connexion inserted. The origin and history of that paper was unknown, ...

Professor Phillips stated that this paper "had evidently been used," and that it was probably gotten up for Dr. Moses W. Alexander's address.

A handbill containing the first three resolutions of May 20, 1775, and thirty-one names appended, is reproduced in facsimile in Johnson's *Traditions of the Revolution* (1851), in the *New York Herald* of May 20, 1875, and in Wheeler's *Reminiscences of North Carolina*, as "the oldest publication of the Mecklenburg declaration yet discovered in print," and as probably dating about the year 1800. In his Charlotte address of 1875 Governor Graham laid much stress upon this paper and upon a copy printed on satin which was once owned by Andrew Jackson. Very shortly afterwards, it was learned from Colonel F. S. Heiskell, who printed them, and Dr. J. G. M. Ramsey, who prepared them, that they were printed in Knoxville, Tenn., in 1825 or thereabouts.[1] Ramsey wrote Judge A. D. Murphey, April 9, 1827, that he had the broadside printed and wished to send him a copy.[2] His list of "signers" is made up of Dr. Moses W. Alexander's and of the names of six men mentioned

[1] *Daily Press and Herald* (Knoxville), May 23, 1875. *Cf. Mag. of Amer. Hist.*, xxi., 233; and *May, 1775*, 23.

[2] Murphey papers.

in Captain Jack's certificate as having been among those who "appeared to take the lead" in the transactions of May, 1775.[1]

The well-known facsimile of the "Autographs of the Members of the Mecklenburg Committee," which is sometimes appended to printed copies of the Mecklenburg Declaration, was prepared by Benson J. Lossing from autographs furnished by Governor Swain and others, and first published in 1851–52 in Lossing's *Pictorial Field-Book of the Revolution.*[2]

[1] These six are Major John Davidson, Gen. William Lee Davidson, Capt. Ezekiel Polk (grandfather of President James K. Polk), Samuel Martin, Duncan Ochiltree, and William Wilson. None of them are mentioned in the list made up by the editors of the State Pamphlet, and probably none but the first named belong there. Capt. Jack did not say that they attended the meeting of which he wrote. Gen. Davidson could hardly have been present, as he was at that time a resident of Rowan county and a member of the Rowan Committee of Safety. With respect to Ezekiel Polk, Mr. A. S. Salley, Jr., has furnished this information: "In 1774 Ezekiel Polk was lieutenant-colonel of the militia regiment of the New Acquisition of South Carolina and in December, 1774, he was elected a deputy from the New Acquisition to the Provincial Congress of South Carolina and was still a member of that body in May, 1775. On the 12th of June he was elected by this Congress a captain in the 3d Regiment of South Carolina; was commissioned on the 18th, and by the 18th of July had raised his company and was in service, and he did not become a citizen of Mecklenburg County until 1778." We know nothing concerning Samuel Martin, Duncan Ochiltree, and William Wilson. The "official" list of twenty-six delegates in the State Pamphlet contains the names of probably all the participants at the meeting of May 31, 1775, except John Davidson's. There is strong evidence that Robert Harris, whose name is there erroneously given as Richard, has no claim to that honor. The name "Ford" in the State Pamphlet should be written "Foard."

[2] The facsimile may also be found in Cooke's *Revolutionary History of N. C.* (1853), *Gov. Graham's Address*, Winsor's *Narrative and Critical History of America*, *Charlotte Daily Observer*, May 20, 1906, etc.

APPENDIX OF DOCUMENTS.

A.

COLONEL POLK'S COPY OF THE DOCUMENT PREPARED BY "J. MC KNITT" FROM HIS FATHER'S PAPERS AND PUBLISHED WITH EMENDATIONS IN THE "RALEIGH REGISTER," APRIL 30, 1819.[1]

Copy of Jo. M^{c} K. Alexanders letter to

W^{m} Davidson on Declaration of Independence Meck^{g}

N. Carolina }
Mecklenburg } May 20. 1775

In the Spring of 1775, the leading characters of Mecklenb^{g} C^{o}; stimulated by that enthusiastic patriotism, which elevates the mind above considerations of individual aggrandizement, & scorning to shelter themselves from the impending storm by submission to lawless power, &c &c—held several meetings detachedly—in each of which the individual sentiments were "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow Citizens & that they must either submit to all the impositions which an unprincipled & to them an unrepresented Parliment might impose; or support their Brethern who were doomed to sustain the first shock of that power which if successful there, would ultimately overwhelm all in the common calamity—Conformably to these principles Col. Adam

[1] From the original manuscript in the New York Public Library (Emmet: 1494). It was probably enclosed in Polk's letter of Aug. 18, 1819, to Judge A. D. Murphey, with his own narrative. It came from the Murphey papers.

Alexander through solicitation issued an order to each Capt^{s} company in the County of Mecklenburg, then comprising the present County of Cabarrus directing each militia Capt^{s} company to elect two persons and delegate to them ample power to devise ways & means to aid, assist their suffering brethern in Boston and also generally to adopt measures to extricate themselves from the impending storm & to secure unimpaired their invaluable rights priviledges & liberties from the dominant grasp of British imposition & tyranny. In conformity to said order on the 19. of May 1775 the said delegation met in Charlotte town vested with unlimited powers, at which time official news by express arived of the Battle of Lexington on that of the preceeding month—every Delegate felt the value and importance of the prize and the awful & solemn crisis which had arived—every bosom swelled with indignation at the malice, inveteracy and unsatiable revenge developed in the late attack at Lexington. The universal sentiment was, let us not flatter ourselves that popular harangues or resolves, that popular vapour will avert the storm, or vanquish our common enemy; let us deliberate let us calculate the issue the probable result, and what is still more endearing the liberties of America—Abraham Alexander was then elected Ch^{n} & Jn^{o} M^{c}K. Alexander Cl^{k}—after a free and full description of the various objects for which the delegation had been convened it was unanimously ordained.

1st Resolved—That whosoever directly or indirectly abetted, or in any way form or manner countenanced the unchartered and dangerous invasion of our rights as claimed by G Britain is an enemy to this country, to America, & to the inherent & inalienable rights of Man.

2. Resolved, That ["That" is in brackets] We the Citizens of Mecklenburg County do hereby dissolve the political bands which have connected us to the mother country & hereby absolve ourselves from all allegiance to the British Crown and abjure all political connection,

contract or association with that Nation, who have wantonly trampled on our rights and liberties & inhumanly shed the innocent blood of our American Patriots at Lexington.

3.d Resolved We do hereby declare ourselves a free & independent People are & ought of right ought to be a soverign & self governing association under the controul of no power other than that of our God & the general Goverment of the Congress, to the maintainance of which independence we solemnly pledge to each other our mutual cooperation our lives our fortunes & our most sacred honor.

4 That ["That" is written over the "As"] As we now acknowledge the existence and controul of no law or legal Officer civil or military within this Country—We do hereby ordain and adopt as a rule of Life all and each of our former laws wherein nevertheless the Crown of G. B. never can be considered as holding rights priviledges, immunities or authority therin.

5. Resolved. That ["That" is written a little above the line] It is also further decreed that all, each & every military Officer in this County is hereby reinstated to his former command and authority he acting conformably to these regulations, And that every Member present of this delegation shall henceforth be a civil Officer Viz a Justice of the Peace in the character of a Committee man, to issue process, hear & determine all matters of controversy according to s.d adopted Laws & to preserve Peace union & harmony in s.d County—and to use every exertion to spread the love of Country & fire of freedom throught America; untill a more general & organised goverment be established in this Province.

A number of bye laws were also added merely to protect the association from confusion and to regulate their general conduct as Citizens—

After sitting in the C.t House all night, neither sleepy, hungry or fatigued, and after discussing every paragraph, they were all passed sanctioned & decreed *Unanimously*

about 2. O Clock A M. May 20.—In a few days a deputation of s^{d} delegation convened when Cap James Jack of Charlotte was deputed as express to the Congress in ["at" is written over "in"] Philadelphia with a copy of s^{d} Resolves & Proceedings together with a letter address^{d} to our three Representatives there Viz—R^{d} Caswell W^{m} Hooper & Jos. Hughes—under express injunction personally & through the State representation to use all possible means to have said proceedings sanctioned & approved by the general Congress.

On the return of Cap^{t} Jack the delegation learn'd their proceedings were individually approved by the Members of Congress—but it was deemed premature to lay them before the House—a joint letter from s^{d} 3 Members of Congress was also rec^{d} complimentary of the zeal in the common cause & recommending perseverance order & energy.

The subsequent harmony exertion and unanimity in the cause of liberty & independency evidently resulting from these regulations & the continued exertion of s^{d} delegation apparantly tranquilised this section of the State & met with the concurrence & high approbation of the Council of safety who held their sessions at Newbern & W^{m}ton alternately & who confirmed the nomination & acts of the Delegation in their official capacity.

From this Delegation originated the C^{t} of enquiry of this County who constituted and held their first session in Charlotte; they then held their meetings regularly at Charlotte, Col^{o} James Harris's & at Col. Phifers alternately one week at each place. It was civil court founded on military process—before this judication all suspicious persons were made to appear—(who were formerly tryed & banished or continued under guard

Its jurisdiction was as unlimited as toryism and its decrees as final as the confidence & patriotism of the country—several were arrested & brought before them from Lincoln Rowan & the adjacent Counties—Booth &

Dunn lawyers were brought from Salisbury tryed convicted & banished &c

J M^{c} K Alexander Sen^{r}

The foregoing is a true copy of the papers on the above subject left in my hands by J. M^{c} A–dec.—I find it mentioned on file that the original book was burned Ap^{l} 1800—That a copy of the proceedings was sent to H. W^{m}son in N. Y. then writing a History of N. C. & that a copy was sent to Gen^{l} Davie.

J McKnitt

[The manuscript is endorsed by Colonel Polk:

"Copy of letter to W^{m}
Davidson at Congress
with the decleration
of Independence by the
C^{o} of Mecklenburg
May 20. 1775"]

[B.]

The Declaration of Independence

BY THE

CITIZENS OF MECKLENBURG COUNTY,

ON THE

TWENTIETH DAY OF MAY, 1775.

WITH

ACCOMPANYING DOCUMENTS,

AND THE

PROCEEDINGS OF THE CUMBERLAND ASSOCIATION

PUBLISHED BY THE GOVERNOR,

Under the authority and direction of the General Assembly of the State of

NORTH CAROLINA.

RALEIGH:

LAWRENCE & LEMAY, Printers to the State.

1831.

PREFACE.

The resolution of the General Assembly directing this publication, makes it the duty of the Governor to cause to be published in pamphlet form the Report of the committee relative to the Declaration of Independence, and the accompanying documents, in the following order, viz. 1. The Mecklenburg Declaration, with the names of the Delegates composing the meeting; 2. The certificates testifying to the circumstances attending the Declaration; and 3. The proceedings of the Cumberland Association.

In the discharge of this duty, the Governor has deemed it proper to prefix to the publication the following brief review of the evidence by which the authenticity of this interesting portion of the history of North Carolina is controverted and sustained.

On the 30th of April, 1819, the publication marked A, made its appearance in the Raleigh Register. It was communicated to the Editors of that paper by Doct. Joseph M'Nitt, then and now a citizen of the county of Mecklenburg, and was speedily republished in most of the newspapers in the Union. A paper containing it (the Essex Register) was, it seems, on the 22d June, 1819, enclosed to Mr. Jefferson, by his illustrious compatriot John Adams, accompanied with the remark, that he thought it genuine; and this suggestion of Mr. Adams elicited the following reply, which was at that time published in various newspapers, and has been since given to the world in the 4th volume of Mr. Jefferson's Works, page 314:

TO JOHN ADAMS.

"*Monticello, July* 9, 1819.

"DEAR SIR,—I am in debt to you for your letters of May the 21st, 27th, and June the 22nd. The first, delivered me by Mr. Greenwood, gave me the gratification of his acquaintance; and a gratification it always is, to be made acquainted with gentlemen of candor, worth, and information, as I found Mr. Greenwood to be. That on the subject of Mr. Samuel Adams Wells, shall not be forgotten in time and place, when it can be used to his advantage.

"But what has attracted my peculiar notice, is the paper from Mecklenburg county, of North Carolina, published in the Essex Register, which you were so kind as to enclose in your last, of June the 22nd. And you seem to think it genuine. I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina, some half dozen years ago, in that part of the country, and perhaps in that very county of Mecklenburg, for I do not remember its precise locality. If this paper be really taken from the Raleigh Register, as quoted, I wonder it should have escaped Richie, who culls what is good from every paper, as the bee from every flower; and the National Intelligencer, too, which is edited by a North Carolinian: and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen. But if really taken from the Raleigh Register, who is the narrator, and is the name subscribed real, or is it as fictitious as the paper itself? It appeals, too, to an original book, which is burnt, to Mr. Alexander, who is dead, to a joint letter from Caswell, Hughes, and Hooper, all dead, to a copy sent to the dead Caswell, and another sent to Doctor Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenburg.

Horry, too, is silent in his history of Marion, whose scene of action was the country bordering on Mecklenburg. Ramsay, Marshall, Jones, Girardin, Wirt, historians of the adjacent States, all silent. When Mr. Henry's resolutions, far short of independence, flew like lightning through every paper, and kindled both sides of the Atlantic, this flaming declaration of the same date, of the independence of Mecklenburg county, of North Carolina, absolving it from the British allegiance, and abjuring all political connection with that nation, although sent to Congress, too, is never heard of. It is not known even a twelvemonth after, when a similar proposition is first made in that body. Armed with this bold example, would not you have addressed our timid brethren in peals of thunder, on their tardy fears? Would not every advocate of independence have rung the glories of Mecklenburg county, in North Carolina, in the ears of the doubting Dickinson and others, who hung so heavily on us? Yet the example of independent Mecklenburg county, in North Carolina, was never once quoted. The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, Hughes,) 'in the cause of liberty and independence.' Now, you remember as well as I do, that we had not a greater tory in Congress than Hooper; that Hughes was very wavering, sometimes firm, sometimes feeble, according as the day was clear or cloudy; that Caswell, indeed, was a good whig, and kept these gentlemen to the notch, while he was present; but that he left us soon, and their line of conduct became then uncertain until Penn came, who fixed Hughes, and the vote of the State. I must not be understood as suggesting any doubtfulness in the State of North Carolina. No State was more fixed or forward. Nor do I affirm, positively, that this paper is a fabrication: because the proof of a negative can only be presumptive. But I shall believe it such until positive and solemn proof of its authenticity shall be produced. And if the name of McKnitt be real, and not a part of the fabrication, it needs a vindication

by the production of such proof. For the present, I must be an unbeliever in the apocryphal gospel.

"I am glad to learn that Mr. Ticknor has safely returned to his friends; but should have been much more pleased had he accepted the Professorship in our University, which we should have offered him in form. Mr. Bowditch, too, refuses us; so fascinating is the *vinculum* of the *dulce natale solum*. Our wish is to procure natives, where they can be found, like these gentlemen, of the first order of acquirement in their respective lines; but preferring foreigners of the first order to natives of the second, we shall certainly have to go, for several of our Professors, to countries more advanced in science than we are.

"I set out within three or four days for my other home, the distance of which, and its cross mails, are great impediments to epistolary communications. I shall remain there about two months; and there, here, and every where, I am and shall always be, affectionately and respectfully yours. "TH: JEFFERSON."

The republication of this letter in a work which is intended for, and will go down to posterity, recommended alike by its intrinsic excellence, and the illustrious name of the author, has imposed upon the Legislature the task of proving that, with regard to this particular fact, Mr. Jefferson was mistaken, and that his opinion was made up from a very superficial and inaccurate examination of the publication in the Raleigh Register, the only evidence then before him, and upon which his letter is a commentary.

The letter itself was evidently written *currente calamo*, and for that reason may not be regarded as a fair subject for severe criticism. It is not intended to subject it to such a test, nor is it designed to examine it further than may be necessary to the ascertainment of truth. Of the ability, the purity, the patriotism of the author, it is unnecessary to speak.—His love of country was not bounded by the confines of Virginia; but it is no discredit to his

memory that her institutions, her heroes and her statesmen occupied the first place in his affections. She was emphatically 'the mother of great men,' and 'his own, his native land;' and it is no matter of surprize that he should be unwilling, without the most ample proof, to transfer the brightest page of her history to emblazon the records of a sister State. Mr. Wirt's Life of Patrick Henry had just been published, and for the latter was claimed the high distinction of having been the first to give motion to the ball of the Revolution. Mr. Jefferson himself was the author of the Declaration of Independence by Congress, and was not disposed to share in any degree the immortality with which it had crowned him, with a comparatively obscure citizen of North Carolina; and, therefore, the evidence which was at once satisfactory to Mr. Adams, is by him pronounced "to be a very unjustifiable quiz."

The grounds for this opinion, in the order in which they are given to Mr. Adams, are, 1. That the story is "like that of the volcano* having broken out in that part of the country, and perhaps in *that very county of Mecklenburg.*" 2. "If this paper be *really* taken from the Raleigh Register, as quoted, I wonder it should have *escaped* Richie," &c. "and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen." 3. "But if *really* taken from the Raleigh Register, *who is the narrator*, and is the *name* subscribed *real*, or is it as *fictitious* as the *paper itself?*" 4. "It appeals, too, to an original book, which is *burnt*, to Mr. Alexander, who is *dead*, to a joint letter from Caswell, Hewes and Hooper, *all dead*, to a copy sent to the *dead Caswell*, and another sent to Doctor Williamson, *now probably dead*, whose memory did not recollect, in the history he has written of

* The hoax alluded to was published in 1812, and represented the volcano as having broken out in the neighborhood of the Warm Springs, in Buncombe, a point nearly as distant from the county of Mecklenburg as from Monticello.

North Carolina, *this gigantic step of its county of Mecklenburg*," &c. &c.

Without further remark with regard to the first point—*the quiz about the volcano*—or the second, whether the "spurious" paper was *really* published in the Raleigh Register, it is proper to say, in reply to the *third argument*, that the *name subscribed is real*, that the individual still lives, that he is moreover a credible witness, and that it is to his laudable attention and exertions that the State is indebted for the preservation of much of the testimony which is now offered to the public. The *fourth argument* demands, and will receive more particular attention and examination.

The paper appeals to a book, which is burnt; to Mr. Alexander, who is dead; to Messrs. Caswell, Hooper and Hewes, all dead; to a copy sent to "THE DEAD CASWELL," and another, sent to Doct. Williamson, probably dead; are the consecutive facts which *Mr. Jefferson states*, and on which he relies. Admit the premises, and the conclusion would be probable, though not inevitable; and a writer of much less ability, if permitted to *assume* his facts, might predicate upon them not only a very plausible, but an unanswerable argument. The very fact, however, on which Mr. Jefferson rests, as the climax of improbabilities, is not only not proved to exist, but, upon his own shewing, does not exist; and justifies the remark in the outset, that his letter was written in haste, upon a very superficial and imperfect view of the subject. The paper does not appeal "TO THE DEAD CASWELL," but to the then LIVING DAVIE, a native of the section of country in which the event occurred, like the former, a distinguished hero of the revolution, and, in every respect, a proper depositary of the record. The following is the statement in question: (See the paper A.) ("The foregoing is a true copy of the papers, on the above subject, left in my hands by John M'Nitt Alexander, dec'd. I find it mentioned on file, that the original book was burned April, 1800. That a copy of

the proceedings was sent to †Hugh Williamson, in New York, then writing a history of North Carolina, and that a copy was sent to Gen. W. R. DAVIE.") Gen. *Davie* died shortly after the date of Mr. Jefferson's letter; but this identical copy, known by the writer of these remarks to be in the handwriting of John M'Nitt Alexander, one of the Secretaries of the Mecklenburg meeting, is now in the Executive Office of this State. (See Doct. Henderson's certificate, B.) *Caswell*, *Hooper* and *Hewes* are all dead; but Capt. Jack, who was appointed to carry to them, at Philadelphia, this Mecklenburg Declaration, lived long enough to bear testimony to the truth; and his statement (C) is circumstantial, explicit and satisfactory. If it needed confirmation, it would be found to be fully sustained by the interesting communication (D) of the late Rev. Francis Cummins, D. D. of Georgia, to the Hon. Nathaniel Macon. More satisfactory evidence, drawn from more respectable sources, Mr. Jefferson, if alive, could not, and would not require. It is not hazarding too much to say, that there is no one event of the Revolution which has been, or can be more fully or clearly authenticated.

It is, perhaps, needless to multiply proofs, or to extend this article. Col. William Polk is a resident of this city, a venerable remnant of the revolutionary stock, has passed the common boundary of human life, and in a green old age, is in the full possession of his faculties. His compatriots, Caswell, and Hooper, and Hewes, *are dead, but he lives*, was present, heard his father proclaim the Declaration

† This copy the writer well recollects to have seen in the possession of Doct. Williamson, in the 1793, in Fayetteville, together with a letter to him from John McNitt Alexander, and to have conversed with him on the subject. Why it is not mentioned in his History, is not strange to any one who *knows the State*, and has *read* the book. It cannot be regarded as a *history* of any country. The memorable *Report and Resolutions* of the Congress of April, 1776, are alike unnoticed. A correct and satisfactory account of both proceedings, will be found in the last chapter of Martin's History of North Carolina.

to the assembled multitude; and need it be inquired, in any portion of this Union, if *he* will be believed?

The letter (E) of Gen. Joseph Graham, another surviving officer of the Revolution, a citizen and a soldier worthy of the best days of the Republic, will be read with pleasure and perfect confidence throughout the wide range of his acquaintance.

The extract from the memoir of the late Rev. Humphrey Hunter, (F) of Lincoln, is equally explicit, full and satisfactory. He, with several other respectable gentlemen, whose statements are appended, was an eye witness of what he relates; and the combined testimony of all these individuals prove the existence of the Mecklenburg Declaration, and all the circumstances connected with it, as fully and clearly as any fact can be shewn by human testimony.

The following extract from "The Journal of the Provincial Congress of North Carolina, held at Halifax, on the 4th of April, 1776," (pa. 11, 12,) shews that the first *legislative recommendation* of a DECLARATION OF INDEPENDENCE by the CONTINENTAL CONGRESS, originated likewise in the State of North Carolina. It is worthy of remark, that *John McNitt Alexander*, the Secretary of the meeting, *Waightstell Avery*, *John Pfifer* and *Robert Irwin*, who were conspicuous actors in the proceedings in Mecklenburg, were active and influential members of this Provincial Congress.

"The select committee to take into consideration the usurpations and violences attempted and committed by the King and Parliament of Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this Province, reported as follows, to wit:

"It appears to your committee, that pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the

people unlimited and uncontrouled; and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine, and every species of calamity, against the Continent in general. The British fleets and armies have been, and still are daily employed in destroying the people, and committing the most horrid devastations on the country. That Governors in different Colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. That the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress.

"And whereas the moderation hitherto manifested by the United Colonies, and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto tried, your committee are of opinion that the House should enter into the following resolve, to wit:

"*Resolved*, That the DELEGATES FOR THIS COLONY IN THE CONTINENTAL CONGRESS BE IMPOWERED TO CONCUR WITH THE DELEGATES OF THE OTHER COLONIES IN DECLARING INDEPENDENCY, AND FORMING FOREIGN ALLIANCES, reserving to this Colony the sole and exclusive right of forming a Constitution and laws for this Colony, and of appointing Delegates from time to time, (under the direction of a general representation thereof,) to meet the Delegates of the other Colonies, for such purposes as shall be hereafter pointed out.

"The Congress taking the same into consideration, *unanimously* concurred therewith."

The striking similarity of expression in the concluding sentences of the Mecklenburg Declaration, and the Declaration by Congress on the 4th of July, 1776, has been repeat-

edly urged and relied upon as disproving the authenticity of the former. It is scarcely necessary to reply to this suggestion. It is not very strange that men who think alike should speak alike upon the same subject, more especially when high toned patriotic feeling seeks for utterance. This similarity of expression is not confined, however, to these two papers. A comparison of the foregoing resolutions with the Declaration, as drawn by Mr. Jefferson, will satisfy the most credulous upon this subject. Who suspects Mr. Jefferson of intentional plagiarism? and yet he might be charged with having appropriated the language of the Provincial Legislature, with at least as much propriety as Mr. Alexander with having *forged* the Mecklenburg Declaration. The sentiments embodied by Mr. Jefferson were not peculiar to himself, but adopted by him as expressive of the common feeling in the common language of that eventful period.

DECLARATION OF INDEPENDENCE

AND

ACCOMPANYING DOCUMENTS.

REPORT AND RESOLUTIONS.

Adopted by the General Assembly at the session of 1830-'31, upon which this publication is predicated.

The committee to whom it was referred to examine, collate and arrange in proper order such parts of the Journals of the Provincial Assemblies of North Carolina, as relate to the Declaration of American Independence; also such documents as relate to the Declaration of Independence made by the patriotic men of Mecklenburg in May, 1775; and also such measures as relate to the same cause, adopted by the freemen of Cumberland county, previous to the fourth of July, 1776, in order to the publication and distribution of such documents, having performed the duty assigned them, respectfully report:

That upon an attentive examination of the Journals of the Provincial Assembly of North Carolina, which met at Halifax in the month of April, 1776, the committee are of opinion, that no selection could be made from the said Journal to answer the purpose of the House. But as every thing relating to that period, must be interesting to those who value the blessing of national independence, the committee recommend that the whole of the Journal

be printed, and receive the same extended distribution which the resolution of the House contemplates for the proceedings in Mecklenburg and Cumberland. This course is deemed by the committee the more proper, because the Journal is now out of print, and it is highly probable that the copy in the possession of the committee is the only one now extant.

Your committee have also examined, collated and arranged, all the documents which have been accessible to them, touching the Declaration of Independence by the citizens of Mecklenburg, and the proceedings of the freemen of Cumberland.

By the publication of these papers, it will be fully verified, that as early as the month of May, 1775, a portion of the people of North Carolina, sensible that their wrongs could no longer be borne, without sacrificing both safety and honor, and that redress so often sought, so patiently waited for, and so cruelly delayed, was no longer to be expected, did, by a public and solemn act, declare the dissolution of the ties which bound them to the crown and people of Great Britain, and did establish an independent, though temporary government for their own control and direction.

This first claim of Independence evinces such high sentiments of valor and patriotism, that we cannot, and ought not lightly to esteem the honor of having made it. The fact of the Declaration should be announced, its language should be published and perpetuated, and the names of the gallant representatives of Mecklenburg, with whom it originated, should be preserved from an oblivion, which, should it involve them, would as much dishonor us, as injure them. If the thought of Independence did not first occur to them, to them, at least, belongs the proud distinction of having first given language to the thought; and it should be known, and, fortunately, it can still be conclusively established, that the revolution received its first impulse towards Independence, however feeble that

impulse might have been, in North Carolina. The committee are aware that this assertion has elsewhere been received with doubt, and at times met with denial; and it is, therefore, believed to be more strongly incumbent upon the House to usher to the world the Mecklenburg Declaration, accompanied with such testimonials of its genuineness, as shall silence incredulity, and with such care for its general diffusion, as shall forever secure it from being forgotten. And in recounting the causes, the origin and the progress of our revolutionary struggle, till its final issue in acknowledged independence, whatever the brilliant achievements of other States may have been, let it never be forgotten, that at a period of darkness and oppression, without concert with others, without assurances of support from any quarter, a few gallant North Carolinians, all fear of consequences lost in a sense of their country's wrongs, relying, under Heaven, solely upon themselves, nobly dared to assert, and resolved to maintain that independence, of which, whoever might have thought, none had then spoken; and thus earned for themselves, and for their fellow-citizens of North Carolina, the honor of giving birth to the first Declaration of Independence.

The committee respectfully recommend the adoption of the following resolutions.

All of which is submitted.

THOS G. POLK, Chr'n
JOHN BRAGG,
EVAN ALEXANDER,
LOUIS D. HENRY,
ALEX. M'NEILL.

Resolved, That his Excellency the Governor be directed to cause to be published in pamphlet form the above Report and the accompanying documents, in the manner and order following, viz. After the Report, first, the Mecklenburg Declaration, with the names of the Delegates composing the meeting; second, the Certificates, testifying

to the circumstances attending the Declaration; third, the proceedings of the Cumberland Association; and that he be further directed to have reprinted in like manner, separate and distinct from the above, the accompanying Journal of the Provincial Assembly, held at Halifax in one thousand seven hundred and seventy-six.

Resolved further, That after publication, the Governor be instructed to distribute said documents as follows, to wit: Twenty copies of each to the Library of the State; to each of the Libraries at the University, ten copies; to the Library of the Congress of the United States, ten copies; and one copy to each of the Executives of the several States of the Union.

DECLARATION OF INDEPENDENCE.

May 20, 1775.

NAMES OF THE DELEGATES PRESENT.

Col. Thomas Polk,
Ephraim Brevard,
Hezekiah J. Balch,
John Phifer,
James Harris,
William Kennon,
John Ford,
Richard Barry,
Henry Downs,
Ezra Alexander,
William Graham,
John Queary,
Abraham Alexander,
John M'Knitt Alexander,
Hezekiah Alexander,
Adam Alexander,
Charles Alexander,
Zacheus Wilson, Sen.
Waightstill Avery,
Benjamin Patton,
Matthew M'Clure,
Neil Morrison,
Robert Irwin,
John Flenniken,
David Reese,
Richard Harris, Sen.

ABRAHAM ALEXANDER was appointed Chairman, and JOHN M'KNITT ALEXANDER Clerk. The following resolutions were offered, viz.

1st. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner, countenanced

the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

2d. *Resolved*, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

3d. *Resolved*, That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4th. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the crown of Great Britain never can be considered as holding rights, privileges, immunities or authority therein.

5th. *Resolved*, That it is further decreed, that all, each and every military officer in this county, is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz. a Justice of the Peace, in the character of a "*Committee-man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union and harmony in said county;—and to use every exertion to spread the love of country and fire of freedom throughout America, until

a more general and organized government be established in this province.

After discussing the foregoing resolves, and arranging bye-laws and regulations for the government of a Standing Committee of Public Safety, who were selected from these delegates, the whole proceedings were unanimously adopted and signed. A select committee was then appointed to draw a more full and definite statement of grievances, and a more formal declaration of independence. The Delegation then adjourned about 2 o'clock, A.M. May 20.

A

FROM THE RALEIGH REGISTER, OF APRIL 30, 1819.

It is not probably known to many of our readers, that the citizens of Mecklenburg county, in this State, made Declaration of Independence more than a year before Congress made theirs. The following Document on the subject has lately come to the hands of the Editor from unquestionable authority, and is published that it may go down to posterity.

NORTH CAROLINA, MECKLENBURG COUNTY, } May 20, 1775. }

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandizement, and scorning to shelter themselves from the impending storm by submission to lawless power, &c. &c. held several detached meetings, in each of which the individual sentiments were, "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the impositions which an unprincipled, and to them an unrepresented, Parliament might impose—or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity." Conformably to these principles,

Colonel T. Polk, through solicitation, issued an order to each Captain's company in the county of Mecklenburg, (then comprising the present county of Cabarrus,) directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inalienable rights, privileges and liberties, from the dominant grasp of British imposition and tyranny.

In conformity to said order, on the 19th of May, 1775, the said delegation met in Charlotte, vested with unlimited powers; at which time official news, by express, arrived of the battle of Lexington on that day of the preceding month. Every delegate felt the value and importance of the prize, and the awful and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy, and insatiable revenge, developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues, or resolves; that popular vapour will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy, as brethren leagued to preserve our property—our lives—and what is still more endearing, the liberties of America. *Abraham Alexander* was then elected Chairman, and *John M'Knitt Alexander*, Clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously ordained—

1. *Resolved*, That whoever directly or indirectly abetted, or in any way, form or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country—to America—and to the inherent and inalienable rights of man.

2. *Resolved*, That we the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected

us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt, as a rule of life, all, each and every of our former laws, wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this county, is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz. a Justice of the Peace, in the character of a "*Committee-man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said county, and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of bye laws were also added, merely to protect

the association from confusion, and to regulate their general conduct as citizens. After sitting in the Court House all night, neither sleepy, hungry, nor fatigued, and after discussing every paragraph, they were all passed, sanctioned, and decreed, *unanimously*, about 2 o'clock, A. M. May 20. In a few days, a deputation of said delegation convened, when Capt. *James Jack*, of Charlotte, was deputed as express to the Congress at Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three representatives there, viz. *Richard Caswell, William Hooper and Joseph Hughes*—under express injunction, personally, and through the State representation, to use all possible means to have said proceedings sanctioned and approved by the General Congress. On the return of Captain Jack, the delegation learned that their proceedings were individually approved by the Members of Congress, but that it was deemed premature to lay them before the House. A joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity, and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern and Wilmington, alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this county, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Col. James Harris's, and at Col. Phifer's, alternately, one week at each place. It was a Civil Court founded on military process. Before this Judicature, all suspicious persons were made to appear, who were formally

tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the county. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties.

[The foregoing is a true copy of the papers on the above subject, left in my hands by John M'Knitt Alexander, dec'd. I find it mentioned on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson, in New York, then writing a History of North Carolina, and that a copy was sent to Gen. W. R. Davie.

J. M'KNITT.]

B

STATE OF NORTH CAROLINA,
MECKLENBURG COUNTY.

I, Samuel Henderson, do hereby certify, that the paper annexed was obtained by me from Maj. William Davie in its present situation, soon after the death of his father, Gen. William R. Davie, and given to Doct. Joseph M'Knitt by me. In searching for some particular paper, I came across this, and, knowing the hand writing of John M'Knitt Alexander, took it up, and examined it. Maj. Davie said to me (when asked how it became torn) his sisters had torn it, not knowing what it was.

Given under my hand, this 25th Nov. 1830.

SAM. HENDERSON.

[Note.—To this certificate of Doct. Henderson is annexed the copy of the paper A, originally deposited by John M'Knitt Alexander in the hands of *Gen. Davie*, whose name seems to have been mistaken by Mr. Jefferson for that of *Gov. Caswell*. See preface, pages v & vi. This paper is somewhat torn, but is entirely legible, and constitutes the "solemn and positive proof of authenticity," which Mr. Jefferson required, and which would doubtless have been satisfactory, had it been submitted to him.]

C

CAPTAIN JACK'S CERTIFICATE.

Having seen in the newspapers some pieces respecting the Declaration of Independence by the people of Mecklenburg county, in the State of North Carolina, in May, 1775, and being solicited to state what I know of that transaction; I would observe, that for some time previous to, and at the time those resolutions were agreed upon, I resided in the town of Charlotte, Mecklenburg county; was privy to a number of meetings of some of the most influential and leading characters of that county on the subject, before the final adoption of the resolutions—and at the time they were adopted; among those who appeared to take the lead, may be mentioned Hezekiah Alexander, who generally acted as Chairman, John M'Knitt Alexander, as Secretary, Abraham Alexander, Adam Alexander, Maj. John Davidson, Maj. (afterwards) Gen. Wm. Davidson, Col. Thomas Polk, Ezekiel Polk, Dr. Ephraim Brevard, Samuel Martin, Duncan Ochletree, William Willson, Robert Irvin.

When the resolutions were finally agreed on, they were publicly proclaimed from the court-house door in the town of Charlotte, and received with every demonstration of joy by the inhabitants.

I was then solicited to be the bearer of the proceedings to Congress. I set out the following month, say June, and in passing through Salisbury, the General Court was sitting—at the request of the court I handed a copy of the resolutions to Col. Kennon, an Attorney, and they were read aloud in open court. Major William Davidson, and Mr. Avery, an attorney, called on me at my lodgings the evening after, and observed, they had heard of but one person, (a Mr. Beard) but approved of them.

I then proceeded on to Philadelphia, and delivered the Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the Delegates to Congress from the State of North-Carolina.

I am now in the eighty-eighth year of my age, residing in the county of Elbert, in the State of Georgia. I was in the Revolutionary War, from the commencement to the close. I would further observe, that the Rev. Francis Cummins, a Presbyterian Clergyman, of Greene county, in this State, was a student in the town of Charlotte at the time of the adoption of the resolutions, and is as well, or perhaps better acquainted with the proceedings at that time, than any man now living.

Col. William Polk, of Raleigh, in North-Carolina, was living with his father Thomas, in Charlotte, at the time I have been speaking of, and although then too young to be forward in the business, yet the leading circumstances I have related cannot have escaped his recollection.

JAMES JACK.

Signed this 7th Dec. 1819, in presence of
JOB WESTON, C. C. O.
JAMES OLIVER, Atto. at Law.

C 2

NORTH CAROLINA, }
Cabarrus County, Nov. 29, 1830. }

We, the undersigned, do hereby certify that we have frequently heard William S. Alexander, dec'd, say that he, the said Wm. S. Alexander, was at Philadelphia, on mercantile business, in the early part of the summer of 1775, say in June; and that on the day that Gen. Washington left Philadelphia to take the command of the Northern army, he, the said Wm. S. Alexander, met with Capt. James Jack, who informed him, the said William S. Alexander, that he, the said James Jack, was there as the agent or bearer of the Declaration of Independence made in Charlotte, on the twentieth day of May, seventeen hundred and seventy-five, by the citizens of Mecklenburg, then including Cabarrus, with instructions to present the same to the Delegates from North Carolina, and by them to be

laid before Congress, and which he said he had done; in which Declaration the aforesaid citizens of Mecklenburg renounced their allegiance to the crown of Great Britain, and set up a government for themselves, under the title of The Committee of Safety.

Given under our hands the date above written.

ALPHONSO ALEXANDER,
AMOS ALEXANDER,
J. M'KNITT.

D

Lexington, (Georgia,) November 16, 1819.

DEAR SIR,—The bearer, the Hon. Thomas W. Cobb, has suggested to me that you had a desire to know something particularly of the proceedings of the citizens of Mecklenburg county, in North-Carolina, about the beginning of our Revolutionary War.

Previous to my becoming more particular, I will suppose you remember the Regulation business, which took its rise in or before the year 1770, and issued and ended in a battle between the Regulators and Governor Tryon, in the spring of 1771. Some of the Regulators were killed, and the whole dispersed. The Regulators' conduct "was a *rudis indigestaque moles*," as Ovid says, about the beginning of creation; but the embryotic principles of the Revolution were in their temper and views. They wanted strength, consistency, a Congress and a Washington at their head. Tryon sent his officers and minions through the State, and imposed the oath of allegiance upon the people, even as far up as Mecklenburg county. In the year 1775, after our Revolution began, the principal characters of Mecklenburg county met on two sundry days, in Queen's Museum in Charlotte, to digest Articles for a State Constitution, in anticipation that the Province would proceed to do so. In this business the leading characters were, the Rev.

Hezekiah James Balch, a graduate of Princeton College, an elegant scholar, Waightstill Avery, Esq. Attorney at Law; Hezekiah and John M'Knitt Alexander, Esqrs. Col. Thomas Polk, &c. &c.

Many men, and young men, (myself one) before magistrates, abjured allegiance to George III, or any other foreign power. At length, in the same year, 1775, I think at least positively before July 4th, 1776, the males generally of that county, met on a certain day in Charlotte, and from the head of the court-house stairs proclaimed Independence on English Government, by their herald Col. Thomas Polk. I was present, and saw and heard it, and as a young man, and then a student in Queen's Museum, was an agent in these things. I did not then take and keep the dates, and cannot, as to date, be so particular as I could wish. Capt. James Jack, then of Charlotte, but now of Elbert county, in Georgia, was sent with the account of these proceedings to Congress, then in Philadelphia—and brought back to the county, the thanks of Congress for their zeal—and the advice of Congress to be a little more patient, until Congress should take the measures thought to be best.

I would suppose, sir, that some minutes of these things must be found among the records of the first Congress, that would perfectly settle their dates. I am perfectly sure being present at the whole of them, they were before our National Declaration of Independence.

Hon. Sir, if the above few things can afford you any gratification, it will add to the happiness of your friend and humble servant.

FRANCIS CUMMINS.

Hon. Nathaniel Macon.

E

Vesuvius Furnace, 4th October, 1830.

Dear Sir,—Agreeably to your request, I will give you

the details of the Mecklenburg Declaration of Independence on the 20th of May, 1775, as well as I can recollect after a lapse of fifty-five years. I was then a lad about half grown, was present on that occasion (a looker on.)

During the Winter and Spring preceding that event, several popular meetings of the people were held in Charlotte; two of which I attended.—Papers were read, grievances stated, and public measures discussed. As printing was not then common in the South, the papers were mostly manuscript; one or more of which was from the pen of the Reverend Doctor Reese, (then of Mecklenburg,) which met with general approbation, and copies of it circulated. It is to be regretted that those and other papers published at that period, and the journal of their proceedings, are lost.—They would show much of the spirit and tone of thinking which prepared them for the measures they afterwards adopted.

On the 20th of May, 1775, besides the two persons elected from each militia company, (usually called Committee-men,) a much larger number of citizens attended in Charlotte than at any former meeting—perhaps half the men in the county. The news of the battle of Lexington, the 19th of April preceding, had arrived. There appeared among the people much excitement. The committee were organized in the court house by appointing Abraham Alexander, Esq. Chairman, and John M'Knitt Alexander, Esq. Clerk or Secretary to the meeting.

After reading a number of papers as usual, and much animated discussion, the question was taken, and they resolved to declare themselves independent. One among other reasons offered, that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown; they ought, therefore, to declare themselves out of his protection, and resolve on independence. That their proceedings might be in due form, a sub-committee, consisting of Doctor Ephraim

Brevard, a Mr. Kennon, an attorney, and a third person, whom I do not recollect, were appointed to draft their Declaration. They retired from the court house for some time; but the committee continued in session in it. One circumstance occurred I distinctly remember: A member of the committee, who had said but little before, addressed the Chairman as follows: "If you resolve on independence, how shall we all be absolved from the obligations of the oath we took to be true to King George the 3d about four years ago, after the Regulation battle, when we were sworn whole militia companies together. I should be glad to know how gentlemen can clear their consciences after taking that oath." This speech produced confusion. The Chairman could scarcely preserve order, so many wished to reply. There appeared great indignation and contempt at the speech of the member. Some said it was nonsense; others that allegiance and protection were reciprocal; when protection was withdrawn, allegiance ceased; that the oath was only binding while the King protected us in the enjoyment of our rights and liberties as they existed at the time it was taken; which he had not done, but now declared us out of his protection; therefore was not binding. Any man who would interpret it otherwise, was a fool. By way of illustration, (pointing to a green tree near the court house,) stated, if he was sworn to do any thing as long as the leaves continued on that tree, it was so long binding; but when the leaves fell, he was discharged from its obligation. This was said to be certainly applicable in the present case. Out of respect for a worthy citizen, long since deceased, and his respectable connexions, I forbear to mention names; for, though he was a friend to the cause, a suspicion rested on him in the public mind for some time after.

The sub-committee appointed to draft the resolutions returned, and Doctor Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print. It was unanimously

adopted, and shortly after it was moved and seconded to have proclamation made and the people collected, that the proceedings be read at the court house door, in order that all might hear them. It was done, and they were received with enthusiasm. It was then proposed by some one aloud to give three cheers and throw up their hats. It was immediately adopted, and the hats thrown. Several of them lit on the court house roof. The owners had some difficulty to reclaim them.

The foregoing is all from personal knowledge. I understood afterwards that Captain James Jack, then of Charlotte, undertook, on the request of the committee, to carry a copy of their proceedings to Congress, which then sat in Philadelphia; and on his way, at Salisbury, the time of court, Mr. Kennon, who was one of the committee who assisted in drawing the Declaration, prevailed on Captain Jack to get his papers, and have them read publicly; which was done, and the proceedings met with general approbation. But two of the Lawyers, John Dunn and a Mr. Booth, dissented, and asserted they were treasonable, and endeavored to have Captain Jack detained. He drew his pistols, and threatened to kill the first man who would interrupt him, and passed on. The news of this reached Charlotte in a short time after, and the executive of the committee, whom they had invested with suitable powers, ordered a party of ten or twelve armed horsemen to bring said Lawyers from Salisbury; when they were brought, and the case investigated before the committee. Dunn, on giving security and making fair promises, was permitted to return, and Booth was sentenced to go to Camden, in South Carolina, out of the sphere of his influence. My brother George Graham and the late Col. John Carruth were of the party that went to Salisbury; and it is distinctly remembered that when in Charlotte they came home at night, in order to provide for their trip to Camden; and that they and two others of the party took Booth to that place. This was the first military expedition from Meck-

lenburg in the Revolutionary war, and believed to be the first any where to the South.

Yours respectfully.

J. GRAHAM.

Dr. Jos. M'Kt. Alexander.
Mecklenburg, N. Carolina.

F

EXTRACT FROM THE MEMOIR OF THE LATE REV. HUMPHREY HUNTER.

Orders were presently issued by Col. Thos. Polk to the several militia companies, that two men, selected from each corps, should meet at the Court-House on the 19th of May, 1775, in order to consult with each other upon such measures as might be thought best to be pursued. Accordingly, on said day a far larger number than two out of each company were present. There was some difficulty in choosing the commissioners. To have chosen all thought to be worthy, would have rendered the meeting too numerous. The following were selected, and styled Delegates, and are here given, according to my best recollection, as they were placed on roll: Abram Alexander, sen'r, Thomas Polk, Rich'd Harris, sen'r, Adam Alexander, Richard Barry, John M'Knit Alexander, Neil Morison, Hezekiah Alexander, Hezekiah J. Balch, Zacheus Wilson, John Phifer, James Harris, William Kennon, John Ford, Henry Downs, Ezra Alexander, William Graham, John Queary, Chas. Alexander, Waitstill Avery, Ephraim Brevard, Benjamin Patton, Matthew M'Clure, Robert Irwin, John Flenniken, and David Reese.

Abram Alexander was nominated, and unanimously voted to the Chair. John M'Knit Alexander and Ephraim Brevard were chosen Secretaries. The Chair being occupied, and the Clerks seated, the House was called to order and proceeded to business. Then a full, a free, and dis-

passionate discussion obtained on the various subjects for which the delegation had been convened, and the following resolutions were unanimously ordained:

1st. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

2d. *Resolved*, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

3d. *Resolved*, That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the general government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4th. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the crown of Great Britain never can be considered as holding rights, privileges, immunities or authority therein.

5th. *Resolved*, That it is further decreed, that all, each and every military officer in this county, is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz. a Justice of the Peace, in the character of a

"*Committee-man*," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union and harmony in said county;—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

Those resolves having been concurred in, bye-laws and regulations for the government of a standing Committee of Public Safety were enacted and acknowledged. Then a select committee was appointed, to report on the ensuing day a full and definite statement of grievances, together with a more correct and formal draft of the Declaration of Independence. The proceedings having been thus arranged and somewhat in readiness for promulgation, the Delegation then adjourned until to-morrow, at 12 o'clock.

The 20th of May, at 12 o'clock, the Delegation, as above, had convened. The select committee were also present, and reported agreeably to instructions, viz. a statement of grievances and formal draft of the Declaration of Independence, written by Ephraim Brevard, chairman of said committee, and read by him to the Delegation. The resolves, bye-laws and regulations were read by John M'Knitt Alexander. It was then announced from the Chair, are you all agreed? There was not a dissenting voice. Finally, the whole proceedings were read distinctly and audibly, at the Court-House door, by Col. Thomas Polk, to a large, respectable and approving assemblage of citizens, who were present, and gave sanction to the business of the day. A copy of all those transactions were then drawn off, and given in charge to Capt. James Jack, then of Charlotte, that he should present them to Congress, then in session in Philadelphia.

On that memorable day, I was 20 years and 14 days of age, a very deeply interested spectator, recollecting the dire hand of oppression that had driven me from my native clime, now pursuing me in this happy asylum, and seeking to bind again in the fetters of bondage.

On the return of Capt. Jack, he reported that Congress, individually, manifested their entire approbation of the conduct of the Mecklenburg citizens; but deemed it premature to lay them officially before the House.

NOTE.—The foregoing extract is copied from a manuscript account of the Revolutionary War in the South, addressed by the writer to a friend, who had requested historical information upon this subject. Mr. Hunter was in the battle of Camden, and has given an interesting narrative of the circumstances connected with the death of Baron De Kalb. The manuscript gives the biography of the writer, from which it appears he was a native of Ireland, and born on the 14th of May, 1755, and at an early age emigrated from his native land to the Province of North Carolina.

ADDITIONAL PAPERS,

NOT PARTICULARLY REFERRED TO IN THE PREFACE.

FROM THE RALEIGH REGISTER, OF FEBRUARY 18, 1820.

MECKLENBURG DECLARATION OF INDEPENDENCE.

When this Declaration was first published in April last, some doubts were expressed in the Eastern papers as to its authenticity, (none of the Histories of the Revolution having noticed the circumstance.) Col. William Polk, of this City, (who, though a mere youth at the time, was present at the meeting which made the Declaration, and whose Father being Colonel of the county, appears to have acted a conspicuous part on the occasion,) observing this, assured us of the correctness of the facts generally, though he thought there were errors as to the name of the Secretary, &c., and said that he should probably be able to correct these, and throw some further light on the subject, by enquiries amongst some of his old friends in Mecklenburg county. He has accordingly made enquiries, and communicated to us the following Documents as the result, which, we presume, will do away all doubts on the subject.

CERTIFICATE.

STATE OF NORTH-CAROLINA, }
MECKLENBURG COUNTY. }

At the request of Col. William Polk, of Raleigh, made to

Major-General George Graham, soliciting him to procure all the information that could be obtained at this late period, of the transactions which took place in the county of Mecklenburg, in the year 1775, as it respected the people of that county having declared Independence; of the time when the Declaration was made; who were the principal movers and leaders, and the members who composed the body of Patriots who made the Declaration, and signed the same.

We, the undersigned citizens of the said county, and of the several ages set forth opposite to each of our names, do certify, and on our honor declare, that we were present in the town of Charlotte, in the said county of Mecklenburg, on the 19th day of May, 1775, when two persons elected from each Captain's Company in said county, appeared as Delegates, to take into consideration the state of the country, and to adopt such measures as to them seemed best, to secure their lives, liberty, and property, from the storm which was gathering, and had burst upon their fellow-citizens to the Eastward, by a British Army, under the authority of the British King and Parliament.

The order for the election of Delegates was given by Col. Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed.

We do further certify and declare, that to the best of our recollection and belief, the delegation was complete from every company, and that the meeting took place in the Court-House, about 12 o'clock on the said 19th day of May, 1775, when *Abraham Alexander* was chosen Chairman, and Dr. *Ephraim Brevard* Secretary. That the Delegates continued in session until in the night of that day; that on the 20th they again met, when a committee, under the direction of the Delegates, had formed several resolves, which were read, and which went to declare themselves, and the people of Mecklenburg county, Free and Independent of the King and Parliament of Great Britain—

and that, from that day henceforth, all allegiance and political relation was absolved between the good people of Mecklenburg, and the King of Great Britain; which Declaration was signed by every member of the Delegation, under the shouts and huzzas of a very large assembly of the people of the county, who had come to know the issue of the meeting. We further believe, that the Declaration of Independence was drawn up by the Secretary, Dr. Ephraim Brevard, and that it was conceived and brought about through the instrumentality and popularity of Col. Thomas Polk, Abraham Alexander, John M'Knitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, and Hezekiah Alexander, with some others.

We do further certify and declare, that in a few days after the Delegates adjourned, Captain James Jack, of the town of Charlotte, was engaged to carry the resolves to the President of Congress, and to our Representatives—one copy for each; and that his expenses were paid by a voluntary subscription. And we do know that Captain Jack executed the trust, and returned with answers, both from the President and our Delegates in Congress, expressive of their entire approbation of the course that had been adopted, recommending a continuance in the same; and that the time would soon be, when the whole Continent would follow our example.

We further certify and declare, that the measures which were adopted at the time before mentioned, had a general influence on the people of this county to unite them in the cause of liberty and the country, at that time; that the same unanimity and patriotism continued unimpaired to the close of the war; and that the resolutions had considerable effect in harmonising the people in two or three adjoining counties.

That a committee of Safety for the county were elected, who were clothed with civil and military power, and under their authority several disaffected persons in Rowan, and Tryon (now Lincoln county), were sent for, examined,

and conveyed (after it was satisfactorily proven they were inimical) to Camden, in South Carolina, for safe-keeping.

We do further certify, that the acts passed by the committee of Safety, were received as the Civil Law of the land in many cases, and that Courts of Justice for the decision of controversies between the people were held, and we have no recollection that dissatisfaction existed in any instance with regard to the judgments of said courts.

We are not, at this late period, able to give the names of all the Delegation who formed the Declaration of Independence; but can safely declare as to the following persons being of the number, viz. Thomas Polk, Abraham Alexander, John M'Knitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, Hezekiah James Balsh, Benjamin Patton, Hezekiah Alexander, Richard Barry, William Graham, Matthew M'Clure, Robert Irwin, Zachias Wilson, Neil Morrison, John Flenniken, John Queary, Ezra Alexander.

In testimony of all and every part herein set forth, we have hereunto set our hands.

GEO. GRAHAM, aged 61, near 62.
WM. HUTCHINSON 68.
JONAS CLARK 61.
ROB'T ROBINSON, 68.

FROM JOHN SIMESON TO COL. WILLIAM POLK.

"*Providence, January* 20, 1820.

"Dear Sir,—After considerable delay, occasioned partly to obtain what information I could, in addition to my own knowledge of the facts in relation to our Declaration of Independence, and partly by a precarious, feeble old age, I now write to you in answer to yours of the 24th ult.

"I have conversed with many of my old friends and others, and all agree in the point, but few can state the particulars; for although our county is renowned for general intelligence, we have still some that don't read

the public prints. You know, in the language of the day, every Province had its Congress, and Mecklenburg had its county Congress, as legally chosen as any other, and assumed an attitude until then without a precedent; but, alas! those worthies who conceived and executed that bold measure, are no more; and one reason why so little new light can be thrown on an old truth, may be this—and I appeal to yourself for the correctness of the remark—we who are now called Revolutionary men, were then thoughtless, precipitate youths; we cared not who conceived the bold act, our business was to adopt and support it. Yourself, sir, in your eighteenth year and on the spot, your worthy father, the most popular and influential character in the county, and yet you cannot state much from recollection. Your father, as commanding officer of the county, issued orders to the Captains to appoint two men from each company to represent them in the committee.—It was done. Neill Morrison, John Flenniken, from this company; Charles Alexander, John M'Knitt Alexander, Hezekiah Alexander, Abraham Alexander, Esq. John Phifer, David Reese, Adam Alexander, Dickey Barry, John Queary, with others, whose names I cannot obtain. As to the names of those who drew up the Declaration, I am inclined to think Doctor Brevard was the principal, from his known talents in composition. It was, however, in substance and form, like that great national act agreed on thirteen months after. Ours was towards the close of May, 1775. In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer, and Joseph Kennedy. I was under arms near the head of the line, near Col. Polk, and heard him distinctly read a long string of Grievances, the Declaration and Military Order above. I likewise heard Col. Polk have two warm disputes with two men of the county, who said the measures were rash and unnecessary. He was applauded and they silenced. I was then in my 22d year, an enemy to usur-

pation and tyranny of every kind, with a retentive memory, and fond of liberty, that had a doubt arisen in my mind that the act would be controverted, proof would not have been wanting; but I comfort myself that none but the self-important peace-party and blue-lights of the East, will have the assurance to oppose it any further. The biographer of Patrick Henry (Mr. Wirt) says he first suggested Independence in the Virginia Convention; but it is known they did not reduce it to action—so that it will pass for nothing. The Courts likewise acted independently. I myself heard a dispute take place on the bench, and an acting magistrate was actually taken and sent to prison by an order of the Chairman.

"Thus, sir, have I thrown together all that I can at this time. I am too blind to write fair, and too old to write much sense—but if my deposition before the Supreme Court of the United States would add more weight to a truth so well known here, it should be at the service of my fellow-citizens of the county and State generally.

"I am, sir, your friend and humble servant,

"JOHN SIMESON, Sen.

P. S. I will give you a short anecdote. An aged man near me, on being asked if he knew any thing of this affair, replied, "*Och, aye,* TAM POLK *declared Independence lang before anybody else.*" This old man is 81.

CERTIFICATE OF ISAAC ALEXANDER.

I hereby certify that I was present in Charlotte on the 19th and 20th days of May, 1775, when a regular deputation from all the Captains' companies of militia in the county of Mecklenburg, to wit: Col. Thomas Polk, Adam Alexander, Lieut. Col. Abram Alexander, John M'Knitt Alexander, Hezekiah Alexander, Ephraim Brevard and a number of others, who met to consult and take measures for the peace and tranquillity of the citizens of said county,

and who appointed Abraham Alexander their Chairman, and Doctor Ephraim Brevard Secretary; who, after due consultation, declared themselves absolved from their allegiance to the King of Great Britain, and drew up a Declaration of their Independence, which was unanimously adopted; and employed Capt. James Jack to carry copies thereof to Congress, who accordingly went. These are a part of the transactions that took place at that time, as far as my recollection serves me.

ISAAC ALEXANDER.

October 8, 1830.

CERTIFICATE OF SAM'L WILSON.

STATE OF NORTH CAROLINA,
MECKLENBURG COUNTY.

I do hereby certify, that in May, 1775, a committee or delegation from the different militia companies in this county, met in Charlotte; and after consulting together, they publicly declared their independence on Great Britain, and on her Government. This was done before a large collection of people, who highly approved of it. I was then and there present, and heard it read from the Court House door. Certified by me.

SAM'L WILSON.

CERTIFICATE OF JOHN DAVIDSON.

Beaver Dam, October 5, 1830.

DEAR SIR,—I received your note of the 25th of last month, requiring information relative to the Mecklenburg Declaration of Independence. As I am, perhaps, the only person living, who was a member of that Convention, and being far advanced in years, and not having my mind frequently directed to that circumstance for some years, I can give you but a very succinct history of that transaction. There were two men chosen from each Captain's company,

to meet in Charlotte, to take the subject into consideration. John M'Knitt Alexander and myself were chosen from one company; and many other members were there that I now recollect, whose names I deem unnecessary to mention. When the members met, and were perfectly organized for business, a motion was made to declare ourselves independent of the Crown of Great Britain, which was carried by a large majority. Dr. Ephraim Brevard was then appointed to give us a sketch of the Declaration of Independence, which he did. James Jack was appointed to take it on to the American Congress, then sitting in Philadelphia, with particular instructions to deliver it to the North Carolina Delegation in Congress, (Hooper and Caswell.) When Jack returned, he stated that the Declaration was presented to Congress, and the reply was, that they highly esteemed the patriotism of the citizens of Mecklenburg; but they thought the measure too premature.

I am confident that the Declaration of Independence by the people of Mecklenburg was made public at least twelve months before that of the Congress of the United States.

I do certify that the foregoing statement, relative to the Mecklenburg Independence, is correct, and which I am willing to be qualified to, should it be required.

Yours respectfully,

JOHN DAVIDSON.

Doct. J. M. ALEXANDER.

NOTE.—The following is a copy of an original paper furnished by the writer of the foregoing certificate, from which it would seem, that from the period of the Mecklenburg Declaration, every individual friendly to the American cause was furnished by the *Chairman of that meeting*, ABRAM ALEXANDER, with testimonials of the character he had assumed; and in this point of view the paper affords strong collateral testimony of the correctness of many of the foregoing certificates.

NORTH CAROLINA, MECKLENBURG COUNTY, } *November* 28, 1775. }

These may certify to all whom they may concern, that the bearer

hereof, William Henderson, is allowed here to be a true friend to liberty, and signed the Association.

Certified by ABR'M ALEXANDER, *Chairman of the Committee of P. S.*

LETTER FROM J. G. M. RAMSEY.

Mecklenburg, T. Oct. 1, 1830.

DEAR SIR,—Yours of 21st ultimo was duly received. In answer I have only to say, that little is in my possession on the subject alluded to which you have not already seen. Subjoined are the certificates of two gentlemen of this county, whose respectability and veracity are attested by their acquaintances here, as well as by the accompanying testimonials of the magistrates in whose neighborhood they reside. With this you will also receive extracts from letters on the same subject from gentlemen well known to you, and to the country at large.

I am, very respectfully, yours, &c.

J. G. M. RAMSEY.

CERTIFICATE OF JAMES JOHNSON.

I, James Johnson, now of Knox county, Tennessee, but formerly of Mecklenburg county, North Carolina, do hereby certify, that to the best of my recollection, in the month of May, 1775, there were several meetings in Charlotte concerning the impending war. Being young, I was not called on to take an active part in the same; but one thing I do positively remember, that she (Mecklenburg county) did meet and hold a Convention, declared independence, and sent a man to Philadelphia with the proceedings. And I do further certify, that I am well acquainted with several of the men who formed or constituted said Convention, viz. John M'Knitt Alexander, Hezekiah

Alexander, Abraham Alexander, Adam Alexander, Robert Irwin, Neill Morrison, John Flenniken, John Queary.

Certified by me this 11th day of October, 1827.

JAMES JOHNSON.

In my seventy-third year.

CERTIFICATE OF ELIJAH JOHNSON AND JAMES WILHITE.

We, Elijah Johnson and James Wilhite, acting Justices of the Peace for the county of Knox, do certify, that we have been a long time well acquainted with Samuel Montgomery and James Johnson, both residents of Knox county; and that they are entitled to full credit, and any statement they may make to implicit confidence.

Given under our hands and seals this 4th day of October 1830.

ELIJAH JOHNSON, (Seal.)

JAMES WILHITE, (Seal.)

Justices of the Peace for Knox county.

NOTE.—Mr. Montgomery's certificate does not purport to state the facts as having come under his own personal observation It is therefore omitted in this publication.

C.

THE MECKLENBURG RESOLVES AS PRINTED IN THE *NORTH-CAROLINA GAZETTE* OF JUNE 16, 1775, No. 323.[1]

Charlotte *Town*, Mecklenburg *County*, May 31. *This Day the* COMMITTEE *met, and passed the following RESOLVES*:

WHEREAS by an Address presented to his Majesty by both Houses of Parliament in *February* last, the *American* Colonies are declared to be in a State of actual Rebellion, we conceive that all Laws and Commissions confirmed by, or derived from the Authority of the King or Parliament, are annulled and vacated, and the former civil Constitution of these Colonies for the present wholly suspended. To provide in some Degree for the Exigencies of the County in the present alarming Period, we deem it proper and necessary to pass the following RESOLVES, *viz.*

1. That all Commissions, civil and military, heretofore granted by the Crown, to be exercised in these Colonies, are null and void, and the Constitution of each particular Colony wholly suspended.

2. That the Provincial Congress of each Province, under the Direction of the Great Continental Congress, is invested with all legislative and executive Powers within their respective Provinces; and that no other Legislative or Executive does or can exist, at this Time, in any of these Colonies.

3. As all former Laws are now suspended in this Province, and the Congress have not yet provided others, we

[1] From a photograph of the original newspaper.

judge it necessary, for the better Preservation of good Order, to form certain Rules and Regulations for the internal Government of this County, until Laws shall be provided for us by the Congress.

4. That the Inhabitants of this County do meet on a certain Day appointed by this Committee, and having formed themselves into nine Companies, *to wit*, eight for the County, and one for the Town of *Charlotte*, do choose a Colonel, and other military Officers, who shall hold and exercise their several Powers by Virtue of this Choice, and independent of *Great-Britain*, and former Constitution of this Province.

5. That for the better Preservation of the Peace, and Administration of Justice, each of these Companies do choose from their own Body two discreet Freeholders, who shall be impowered each by himself, and singly, to decide and determine all Matters of Controversy arising within the said Company under the Sum of Twenty Shillings, and jointly and together all Controversies under the Sum of Forty Shillings, yet so as their Decisions may admit of Appeals to the Convention of the Select Men of the whole County; and also, that any one of these shall have Power to examine, and commit to Confinement, Persons accused of Petit Larceny.

6. That those two Select Men, thus chosen, do, jointly and together, choose from the Body of their particular Company two Persons, properly qualified to serve as Constables, who may assist them in the Execution of their Office.

7. That upon the Complaint of any Person to either of these Select Men, he do issue his Warrant, directed to the Constable, commanding him to bring the Aggressor before him or them to answer the said Complaint.

8. That these eighteen Select Men, thus appointed, do meet every third *Tuesday* in *January*, *April*, *July*, and *October*, at the Court-House in *Charlotte*, to hear and determine all Matters of Controversy for Sums exceeding

Forty Shillings; also Appeals: And in Cases of Felony, to commit the Person or Persons convicted thereof to close Confinement, until the Provincial Congress shall provide and establish Laws and Modes of Proceeding in such Cases.

9. That these Eighteen Select Men, thus convened, do choose a Clerk to record the Transactions of the said Convention; and that the said Clerk, upon the Application of any Person or Persons aggrieved, do issue his Warrant to one of the Constables, to summons and warn the said Offender to appear before the Convention at their next sitting, to answer the aforesaid Complaint.

10. That any Person making Complaint upon Oath to the Clerk, or any Member of the Convention, that he has Reason to suspect that any Person or Persons indebted to him in a Sum above Forty Shillings, do intend clandestinely to withdraw from the County without paying such Debt; the Clerk, or such Member, shall issue his Warrant to the Constable, commanding him to take the said Person or Persons into safe Custody, until the next sitting of the Convention.

11. That when a Debtor for a Sum below Forty Shillings shall abscond and leave the County, the Warrant granted as aforesaid shall extend to any Goods or Chattels of the said Debtor as may be found, and such Goods or Chattels be seized and held in Custody by the Constable for the Space of Thirty Days; in which Term if the Debtor fails to return and discharge the Debt, the Constable shall return the Warrant to one of the Select Men of the Company where the Goods and Chattels were found, who shall issue Orders to the Constable to sell such a Part of the said Goods as shall amount to the Sum due; that when the Debt exceeds Forty Shillings, the Return shall be made to the Convention, who shall issue the Orders for Sale.

12. That Receivers and Collectors for Quitrents, Public and County Taxes, do pay the same into the Hands of the Chairman of this Committee, to be by them disbursed as

the public Exigencies may require. And that such Receivers and Collectors proceed no farther in their Office until they be approved of by, and have given to this Committee good and sufficient Security for a faithful Return of such Monies when collected.

13. That the Committee be accountable to the County for the Application of all Monies received from such Officers.

14. That all these Officers hold their Commissions during the Pleasure of their respective Constituents.

15. That this Committee will sustain all Damages that may ever hereafter accrue to all or any of these Officers thus appointed, and thus acting, on Account of their Obedience and Conformity to these Resolves.

16. That whatever Person shall hereafter receive a Commission from the Crown, or attempt to exercise any such Commission heretofore received, shall be deemed an Enemy to his Country; and upon Information being made to the Captain of the Company where he resides the said Captain shall cause him to be apprehended, and conveyed before the two Select Men of the said Company, who, upon Proof of the Fact, shall commit him the said Offender into safe Custody, until the next sitting of the Convention, who shall deal with him as Prudence may direct.

17. That any Person refusing to yield Obedience to the above Resolves shall be deemed equally criminal, and liable to the same Punishments as the Offenders above last mentioned.

18. That these Resolves be in full Force and Virtue, until Instructions from the General Congress of this Province, regulating the Jurisprudence of this Province, shall provide otherwise, or the Legislative Body of *Great-Britain* resign its unjust and arbitrary Pretensions with Respect to *America*.

19. That the several Militia Companies in this county do provide themselves with proper Arms and Accoutrements, and hold themselves in constant Readiness to

execute the commands and Directions of the Provincial Congress, and of this committee.

20. That this committee do appoint Colonel *Thomas Polk*, and Doctor *Joseph Kennedy*, to purchase 300 lb. of Powder, 600 lb. of Lead, and 1000 Flints; and deposit the same in some safe Place, hereafter to be appointed by the committee.

Signed by Order of the Committee.
EPH. BREVARD, *Clerk of the Committee.*

The *North-Carolina Gazette* of June 16, 1775, from which the foregoing resolves are copied, was recently found by Mr. Edward P. Moses, of Raleigh, in the library of Hayes, the residence of Samuel Johnston, the Revolutionary statesman, near Edenton, N. C. Mr. Moses found with it a letter of Richard Cogdell, chairman of the Craven county Committee, dated New Bern, June 18, 1775. The newspaper was undoubtedly enclosed in this letter, which bears internal evidence of having been addressed to Richard Caswell, at Philadelphia. Cogdell writes that the Craven Committee has put into execution measures similar to those recommended by Caswell. "We have Transmited the Copy of Our proceedings," he says, "to every County & Town in the Province, and have had the pleasure to hear many Counties have adopted the Same. Our County of Craven have had their private musters and Ellected their Officers. . . . you'l Observe the Mecklinburg Resolves, exceeds all other Committees, or the Congress itself. I Send you the paper, wherein they are inserted as I hope this will come Soon to hand."

D.

TRANSCRIPT OF THE MECKLENBURG RESOLVES IN THE *CAPE-FEAR MERCURY* OF JUNE 23, 1775, SENT IN GOVERNOR MARTIN'S DUPLICATE LETTER OF JUNE 30, 1775, TO LORD DARTMOUTH.[1]

North Carolina—Charlotte Town—Mecklenburgh County

This day the Committee of y^s^ County met and passed the following resolves. Whereas by an address presented to His Majesty by both Houses of Parliament in February last, the Americans are declared Rebels, We conceive that all the laws and Commissions Conferred by or derived from the authority of the King or Parliament are Annulled and void, and the former Constitution of the Colonies for the present wholly Suspended—To provide in some degree for the exigencies of this County in this Alarming Situation, We deem it proper and Necessary to pass the following Resolves.

Resolved

1^st^ That all Commissions Civil and Military heretofore granted by the Crown to be exercised in this Colony to be Null and Void, and the Constitution of each particular Colony wholly Suspended—

2^d^ That the provincial Congress of each province under the direction of the Great Continental Congress is invested with all the legislative and Executive Authority with their respective provinces, and that no legislative or Executive power does or can Exist at this time in any of their Colonies.

3^d^ As all former laws are now Suspended in this Province

[1] From the original manuscript in the possession of the Earl of Dartmouth.

and the Congress have not yet provided others, we judge it necessary for the better preservation of good order to perform good rules & Regulations for the internal Government of this County untill laws shall be provided for us by the Congress.

4th That the Inhabitants of this County do meet on a certain day appointed by the Committee, and having formed themselves into 9 Companies, Viz. 8 in the County and 1 in the Town of Charlotte do chuse a Colonel & other Malitia officers, who shall hold and Exercise their Several Powers by virtue of this Choice and independant of the Crown of Great Britain and the former Constitution of this Province.

5th That for the better preservation of the Peace and Administration of Justice, Each of their Companies do Chuse from their own body two discreet Freeholders who shall be empowered each by himself and singly to decide and determine all Matters of Controversy, arising within the Said Company under the Sum of Twenty Shillings and jointly all Controversies under 40, yet so as their Decision may admit of an appeal to the Convention of the Select Men of the whole County, and also that any one of these men have power to Examine & Commit to Confinement persons accused of Petty Larceny.

6th That these two Select Men thus chosen do jointly and together chuse from the Body of their particular Company two persons properly qualified to act as Constables who may assist them in the Execution of their office.

7th That upon the Complaint to either of these Select Men do issue their Warrant directed to the Constable to bring the Aggressor before him or them to answer the Said Complaint.

8th That these Eighteen Select Men thus Appointed do meet every third Tuesday in Janry, April, July and October at the Court House in Charlotte Town to hear and determine all Matters of Controversies for Sums exceeding 40 shillings also Appeals, and in case of Felony

to commit their Person or persons to close Confinement untill the Provincial Congress shall provide and Constitute Laws and mode of proceedings in such Cases.

9th. That these eighteen Select Men thus Convened do chuse a Clerk to record the transactions of the said Conventions, and that the Clerk upon the Application of any Person or Persons aggrieved do issue their Warrant to one of the Constables to summon and warn the said Offender to appear before the said Convention at their next meeting to answer the aforesaid Complaint.

10th. That any person making Complaint upon oath to the Clerk or any member of the Convention that he has reason to Suspect that any Person or Persons indebted to him in a Sum above 40 shillings do intend Clandestinely to withdraw from the County without paying such Debt, the Clerk or such Member shall issue his Warrant to the Constable commanding him to take the said Person or Persons into safe Custody untill the next Sitting of the Convention.

11th. That when a Debtor in a Sum under 40sh. shall abscond and leave the County, the Warrant granted as aforesaid shall extend to any Goods or Chattles of the said Debtor as may be found, and if such Goods or Chattles so seized and held in Custody for the Space of 30 days in which time the Debtor fail to return and discharge the debt, the Constable shall return the Warrant to any of the said Select Men of the Company where the goods or Chattles are found who shall issue orders to the Constable to sell such a Part of the said Goods as shall amount to the Sum due, that when the Debt shall exceed 40sh. the return shall be made to the Convention who shall issue their Order for Sale

12th. That all Receivers and Collectors of Quitrents, Publick & County Taxes do pay the Same into the hand of the Chairman of this County to be by them dispersed as the Publick Exigencies may require, and that such Receivers and Collectors proceed no farther in their office untill they be approved off by, and have given to their

Committee good and sufficient Security for a faithful return of such Money when Collected.

13th That the Committee shall be accountable to the County for the Application of all money received by such publick officers.

14th That all those officers shall hold their Commissions during the Pleasure of their respective Constituents.

15th That this Committee shall satisfy all Demands that ever hereafter may accrue to all or any of these their Officers thus Appointed and thus Acting on account of their Obedience in Conformity to these Resolves.

16th. That whatever Person shall hereafter receive a Commission from the Crown or Attempt to exercise such Commission heretofore received shall be deemed an Enemy to his Country, and upon information being made to the Captain of the Company in which he resides, the said Captain shall cause him to be apprehended and Convey him before the two Select Men of the sd Company who upon the proof of the Fact shall commit him the said Offender to safe Custody, 'till the next meeting of the Convention who shall deal with him as they in their Prudence direct.

17th That any person refusing to yeild Obedience to the above Resolves shall be considered as equal Enemies and liable to the same punishment as the Offenders above last mentioned.

18th That these Resolves shall be in full force and Virtue untill Instructions from the Continental Congress, regulating the just proceedings of this province shall provide otherwise or the legislative body of Great Britain resign it's unjust & arbitrary pretentions with respect to America and no longer.

19th That the several Malitia Company in this County do provide themselves with proper Arms and Accoutrements and hold themselves in constant readiness to execute the command and advice of the General Congress of this Province & of this Committee.

20th That the Committee Appoint Colonel Thos Polk & Dr Joseph Kennedy to purchase 300lbs of Gun Powder & 600lbs of Lead & 1000 flints for the use of the Malitia in this County and deposite the Same in some safe place hereafter to be appointed by the Committee to be cautiously kept untill the safety & defence of their Colony shall require use to make use of it in defence of our Country and Liberty.

Signed by order of the Committee
Ephraim Brevard

E.

COLONEL WILLIAM POLK'S ACCOUNT OF FIRST REVOLUTIONARY MOVEMENTS IN NORTH CAROLINA.

The first revolutionary movements in this State as far as recollection serves, were almost simultaneous throughout the same; yet there were sections in which the zeal for the common cause & opposition to the right of G Britain to impose taxes upon the Colonies & regulate the internal policy thereof, had taken deeper root and was nourished by the popular leaders, so as to take a lead in the measures to be adopted. It was in the Sea Port towns the proposition for a convention began, under the influence of Harnett, Howe, Hooper, the Moores & Ashes at Wilmington; Nash, Coor, Leech & Cogdell at Newbern, S. Johnston, Hughes, Harvey & others at Edenton, aided in the interior by Caswell, Blount, W^{l}: Hill, Willie & Allen Jones, Williams, Person, Penn, Bourke, Hart, Kinchen, Martin, Southerland, Rutherford, Locke, Sharpe, Polk, Phifer, Alexanders, Spencer, Wade, Rowan, Owen, Kenon, Dicksons & others. The Convention met on the 27^{h} of August 1774 at Newbern, and appointed John Harvey their President; the Speaker of the House of Assembly under the Colonial Gov^{t} it was at this Convention; three Delegates were elected to meet at Philadelphia a general Congress from all the States— William Hooper, Joseph Hughes & R^{d} Caswell were elected, and served for one year; when John Penn at a Convention held at Hillsb^{o} Aug^{t} 1775 was elected in the place of R^{d} Caswell, appointed Treasurer of the Southern District.

It was not untill about the meeting of the Delegates in Aug^{t} 1775 the idea of self government had been entertained but by a few of the leading characters at this Session there was two Regiments of Infantry ordered to be raised on the Continental establishment—three Regiments of Minute men; a Committee of safety; and the members who should compose it—regulations for the administration of Justice under the authority of the State Congress—appointment of Militia Officers in the several Counties—means for purchasing powder lead, & making of salt petre. At this Session a Test was required of each Member; professing allegiance to the King and the constitutional power of the Gov^{t}; but declaring at same time most solemnly & absolutely that neither the Parliment, nor any constitutent branch thereof have a Right to impose taxes; and that all attempts by fraud or force to exercise such powers are violations & ought to be resisted to the utmost: and further that the People singly & collectively are bound by the Acts of the Continental & Provincal Congresses; because they are freely represented there by persons of their own choice—they further solemnly & sincerly promise & engage, under the sanction of Virtue, Honour, & sacred Love of liberty & Country; to maintain and support all & every act resolution & regulation of the said Congresses. To this test the Members present subscribed, to the number of 181; of which number there are only 7 now living viz. Thomas Henderson of Rockenham, Jos. Williams of Surry, Ransome Southerland of Wake, Waightstill Avery of Burke, James Houston of Iredell & Tho^{s} Gray & James Glasgow now of Tennessee. [*Here appear the account of the Mecklenburg Declaration and text of the resolutions which are reproduced in pages 184–193 of this volume.*] Such was the fame & energetic conduct of Thomas Polk & John Phifer two of the most popular men in the County, that the Council of safety from a knowledge of the enthusiastic spirit of the People & the opposition which they had & were still making against British encroachments on their liberty & of the

influence these two characters had, did on the 3^{d} of March 1776 commission them to raise a Reg^{t} of 750 men on the Cont^{l} establishment. At the time Lord Cornwallis followed his victory over Gates & marched to Charlotte, there was not a Continental soldier nigher than Hillsb^{o}—the People of Mecklenburg, & particularly those in the Town & its immediate vicinity sent of their Wives & families & after having accompanyed them a few miles; returned & joined their several captains commands & hung night & day on the enemies lines. Their foraging parties were never permitted to return to Camp without being fired on from every favourable situation—all intercourse between Charlotte & Camden, the British Military Deposit in the middle grounds of S^{o} Carolina, was completely shut up & put a stop to—their Picquets were fired on & harrassed every night—& in fine there was no communication between the enemes Posts, nor could his Lordship ascertain what force was collecting against him—in this situation he remained 11 days & on the night of the 12^{h} he left the place preciptately, leaving behind him more than 50 Waggons & much Plunder; retracing his steps to within the British lines—whilst the Militia were hanging on his rear & flanks in times, 20. & 50—An officer of the British Army in writing to his correspondent in England, gives an account of the privations to which the Army were subjected to in Charlotte, N. C. & calls it the Hornetts Nest.

E.

COLONEL WILLIAM POLK'S ACCOUNT OF FIRST REVOLUTIONARY MOVEMENTS IN NORTH CAROLINA.

The Resolutions of the Mecklenburg Delegates, is taken from a manuscript copy given by Doctor Jos. McKnitt Alexander of Mecklenburg—I cannot vouch for their being in the words of the Committee who framed them; but they are essentially so.

I had intended to have given you the names of these Patriots who formed the Delegation & who passed the Resolutions, but I have not been fortunate enough to obtain the whole of them—At the time this meeting took place & for years before & after my Father Thomas Polk was the most popular man in the County, had represented it many years under the Colonial system & was one of the first Delegates from the County to the Provincial Congress & it was almost altogether attributal to him, the course that was taken by the people of that County the effects of which reached & was felt in the Counties of Rowan, Iredell & Lincoln—

The following are some of the names alluded to—

Thomas Polk
Abraham Alexander
Jn° McKnitt Alexander
Ephraim Brevard
Rev^d Hezekiah James Balch
Adam Alexander
John Phifer
James Harris
John Query
Zacheus Wilson Sen^r
Waightstill Avery
W^m Kennon
John Ford
Benj^n Patton.

When on my way thro' Mecklenburg I may procure the bal. if so you shall hear from me— W P

[Indorsed by Col. Polk:

"First revolutionary
movements & C."

Indorsed by Judge Murphey:

"74–75
published"]

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